

## Hearing 23: Commercial and Mixed Use Zones

### Questions from the Hearing Panel

As foreshadowed by paragraph 12 of Minute 1, having read the Section 42A Report and other reports for the Commercial and Mixed Use Zones hearing, the Hearing Panel members have a number of questions that they would appreciate being answered by the Section 42A Report author(s) in writing prior to the hearings commencing.

### Sec42A Report

Paragraph or Plan reference	Question
7.8b Definition of Supermarket	There appears to be an 'of' missing from the definition of Supermarket, i.e. <i>"... or offering a board range <b>of</b> food, ..."</i>
7.12 Definitions of several activities	The submissions you refer to as in support are summarised as being for "support in part". Please clarify whether they requested any amendments.
9.20 LCZ Objectives	No reasons are given for your recommendation to accept the original submission, even though there are several FS's in opposition. Can you please summarise the reasons given by further submitters.
11.54 Industrial activities not otherwise listed	<p>This is all a bit confusing.</p> <p>Please explain how this all works, (i.e. a 'PREC layer').</p> <p>Would allowing other industrial uses in this LFRZ (when it is the only LFRZ in the District, according to your statement in 11.54) not then reduce its ability to be used for the intended LFR activities.</p> <p>In the s32AA comments, you state:</p> <p><i>Providing for industrial activities in the LFRZ increases flexibility in terms of the activities provided for in the zone and provides for a more efficient use of land. Industrial activities could cause potential adverse amenity and reverse sensitivity effects if not appropriately managed.</i></p> <p>But is the LFR zone not intended to limit industrial activities and to provide a safeguard larger format activities to establish, and that is why these are non-complying as things stand. How will changing that to Permitted Activity assist?</p>
11.71 Office Activities	<p>Is there an error in your recommendation for RIHL and RIDL (who support LFRZ-R5 as notified) to be accepted.</p> <p>Should it not be 'rejected'?</p>
12.114 Height	Can you please provide a copy of (or reference to) the recent amendment to the RMA to allow 11m height for medium density development in a relevant Res Zone, and does this also apply to Commercial zones?

Paragraph or Plan reference	Question
12.115 Height	<p>What empirical evidence is there to support your recommendation for increasing height in the TCZ to 15 metres, and 12m to 18m in PREC4 and PREC5 and from 15m to 18m in PREC1?</p> <p>Can you please comment on whether, if we accept your recommendation, a s32AA evaluation should be undertaken for what are quite large changes to the height limits?</p>
12.115 Height	<p>Leading on from the previous question has there been any urban design or townscape evaluation done on the effect of increasing height limits in the TCZ zone.</p>
12.127 Height in relation to boundary	<p>You state that <i>“The District Plan Review undertook an in-depth review of these provisions, determining they were necessary to assist in the enhancement of the character and amenity of commercial areas.”</i> This is in relation to TCZ-REQ3, LCZ-REQ3 and NCZ-REQ3 Can you please provide references to the s32 Evaluation Report where this is relevant.</p>
	<p>Again leading on from the previous question have the changes to residential HRTB in the 2021 RMA Amendment Act for residential properties in Tier 1 Council areas been considered in relation to boundaries with sites in the CMUZ in terms of a updating the work done on the District Plan Review?</p>
12.131 Setbacks	<p>Can you please comment on why the 40% glazing is important/relevant?</p> <p>Can you please provide comment on whether a s32AA evaluation be required if we accept for your recommendation to halve the required boundary setbacks?</p>
12.144 Landscaping	<p>How would an RDIS rule be described? You have recommended that mitigation measures and the impacts on amenity values and streetscape would be the matters for which discretion is reserved. As a restriction on discretion how would mitigation measures be defined?</p>
12.161 Car parking	<p>Are you aware of many modern supermarkets (including in Canterbury) where all customer parking is provided at the rear behind the building? If these provisions are retained, can you think of any circumstances where an application by a supermarket to provide parking in front of the building could be approved?</p>
13.134 CMUZ – MAT6	<p>You state that:  <i>Kāinga Ora seek an amendment to align the language used with the NPS-UD. I consider that the wording proposed by the submitter removes the necessary discretion for Council to consider the impact of reduced setbacks on the amenity of the area.</i>  Does the NPS-UD in fact impact on what language can/should be used here?</p>

## Mr Foy's Report

Paragraph or Plan reference	Question
6.7 & 8.4	Is the PDP sufficiently robust to allow consideration of private plan requests for new supermarket zones (i.e. spot zones just for supermarkets) or would you prefer new growth is solely accommodated in new LFR zones?
7.9	Is there really such a big difference between using the terms "comprehensive" and "broad"?
7.12	<p>You state:</p> <p><i>The notified definition of supermarkets could be expanded to include hypermarkets, which might otherwise try to establish in Selwyn as non-retail activities (e.g. wholesalers) so as to avoid consideration of their retail distribution effects.</i></p> <p>But would such a situation (i.e. change from a wholesaler to a retailer) not then trigger a resource consent application due to the activity changing?</p>
3.1	<p>Mr Foy's evidence notes '<i>Rolleston town centre was a much smaller entity and much more vulnerable</i>' which he used as a reason for recommending to the LURP Action 27, the activity status for supermarkets in the business 2A zone's LFR precinct, to be non-complying?</p> <p>What is meant by 'vulnerable' in this context?</p>
6.3	<p>In Mr Foy's evidence he refers to his 2015 assessment to inform the District Plan rules where he 'cautioned against permitting supermarkets to establish outside the Town Centre zone'. Since that time he further says '... Selwyn has changed significantly ... and projected growth is now much greater than was previously anticipated'.</p> <p>Can Mr Foy please explain more, why significant growth was unanticipated in 2015, when in 2011 Christchurch experienced a major earthquake as well as numerous aftershocks and to avoid the effects of liquefaction, moving out of the city may have been a natural reaction by people and could be a reason why Selwyn has experienced significant increased growth.</p> <p>Given that projected growth was underestimated in 2015, can the community be assured predicting future population growth from hereon in, will be robust?</p>
8.3	You recommend a new policy that seeks "to have new LFR zones complement town centres, rather than just avoid compromising the function, role and vitality of the Town Centre Zone". The recommendation has not been brought forward in the s42A report. Can you in conjunction with the s42A author explain why this is so and if a policy was to be formulated what would it look like?

## Ms Wolfer's Report

Paragraph or Plan reference	Question
1.4	You mention that you have referred to the "Section 32 report – Commercial and Mixed Use, Date, 2010". Is that date correct?
3.9	<p>You state:</p> <p><i>In regards to submitter's Foodstuffs South Island Ltd &amp; Foodstuffs (SI) Properties Ltd. request alternatively change the compliance status to restricted discretionary I have considered this suggestion, but conclude that a restricted discretionary status is not sufficient to address context and individual circumstances adequately, given the impact on safety and amenity in Selwyn's centres, if no active frontage would be provided.</i></p> <p>Would an application for resource consent concerning the active frontage on a site not relate solely to that site and surrounding environment and therefore be appropriately addressed as a Restricted Discretionary Activity?</p>
3.14	<p>You state:</p> <p><i>I consider that the integration of active frontage within supermarket designs in NHZ 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.</i></p> <p>Have you considered the practical difficulties that the supermarket industry considers work against providing active frontages on their sites, not least storage/shelving layouts, as the most efficient designs.</p>
3.2 & 4 Context of Review	<p>You state that:</p> <p><i>Within this review I have addressed the following questions:</i></p> <ul style="list-style-type: none"> <li><i>What is the location of the proposal and what is the expected character and amenity in the respective zone?</i></li> </ul> <p>And in 3.1 you have recommended exactly the same changes to all of the TCZ-REQ8, LCZREQ7, NCZ-REQ6 zones as regards active frontages.</p> <p>So, are you saying that those 3 zones all have the same expectations as regards character and amenity?</p>
Appendix 4	Is the Queenstown example not in fact showing carparking in front of the building, and adjacent to two street frontages?