

# Proposed Selwyn District Plan



## Section 42A Report

Report on submissions and further submissions

Commercial and Mixed Use Zones

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February 2022

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## List of submitters and further submitters addressed in this report

Please refer to **Appendix 1** to see where each submission point is addressed within this report.

Submitter ID	Submitter Name	Abbreviation
DPR-0032	Christchurch City Council	CCC
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	-
DPR-0122	Frews Quarries Ltd	-
DPR-0126	Foster Commercial	-
DPR-0135	Lilley Family Trust	-
DPR-0145	Dean Williams, Bunnings Group Limited	Bunnings
DPR-0157	Kevin & Bonnie Williams	-
DPR-0160	West Melton Three Ltd	-
DPR-0204	JP Singh	-
DPR-0209	Manmeet Singh	-
DPR-0217	Summerset Villages (Prebbleton) Limited	-
DPR-0298	Trices Road Re-zoning Group	-
DPR-0300	Ara Poutama Aotearoa the Department of Corrections	-
DPR-0323	Investore Property Limited	Investore
DPR-0351	Next Level Developments Ltd - Shane Kennedy	-
DPR-0353	Horticulture New Zealand	HortNZ
DPR-0358	Rolleston West Residential Limited	RWRL
DPR-0363	Iport Rolleston Holdings Limited	IRHL
DPR-0365	Stuart PC Limited	-
DPR-0367	Orion New Zealand Limited	Orion
DPR-0371	Christchurch International Airport Limited	CIAL
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	Foodstuffs
DPR-0374	Rolleston Industrial Holdings Limited	RIHL
DPR-0375	Waka Kotahi NZ Transport Agency	-
DPR-0378	The Ministry of Education	-
DPR-0384	Rolleston Industrial Developments Limited	RIDL
DPR-0386	Rolleston Square Limited	-
DPR-0391	Castle Hill Adventure Tours Limited	-
DPR-0392	CSI Property Limited	-
DPR-0396	Woolworths New Zealand Limited	Woolworths
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	-
DPR-0414	Kāinga Ora - Homes & Communities	Kāinga Ora
DPR-0422	Federated Farmers of New Zealand - North Canterbury	-
DPR-0424	Retirement Villages Association of New Zealand Incorporated	RVA
DPR-0425	Ryman Healthcare Limited	Ryman
DPR-0439	Rayonier Matariki Forests	Rayonier
DPR-0442	Castle Hill Community Association Inc.	-

DPR-0445	Rebecca Bennett	-
DPR-0453	Midland Port, Lyttelton Port Company Limited	LPC
DPR-0455	Paul & Fay McOscar	-
DPR-0456	Four Stars Development & Gould Developments Ltd	-
DPR-0458	KiwiRail Holdings Limited	KiwiRail
DPR-0461	Dunweavin 2020 Ltd	-
DPR-0483	Castle Hill Property Investment Ltd	
DPR-0492	Kevler Development Ltd	-
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	-
DPR-0535	Sue Hobby	-
DPR-0572	Cooke Family Trust	-

## Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
ANZSIC	Australian and New Zealand Standard Industrial Classification
CMUZ	Commercial and Mixed Use Zones
CON	Controlled Activity Status
CRPS	Canterbury Regional Policy Statement 2013
DIS	Discretionary Activity Status
DPZ	Dairy Processing Zone
EI	Energy and Infrastructure Chapter of the PDP
GFA	Gross Floor Area
GIZ	General Industrial Zone
GRZ	General Residential Zone
H&S	Health & Safety
HRTB	Height in Relation to Boundary
IMP	Mahaanui Iwi Management Plan 2013
KAC	Key Activity Centre
KNOZ	Abbreviation for the Knowledge Zone Chapter of the PDP
LCZ	Local Centre Zone
LFRZ	Large Format Retail Zone
NC	Non-Complying Activity Status
NCZ	Neighbourhood Centre Zone
NESPF	National Environmental Standard for Plantation Forestry
NPS-UD	National Policy Statement Urban Development
ODP	Outline Development Plan
PDP	Proposed Selwyn District Plan
PER	Permitted Activity Status
PORTZ	Abbreviation for the Port Zone Chapter of the PDP
PREC	Precinct
RDIS	Restricted Discretionary Activity Status
RESZ	Abbreviation for the Residential Zone Chapter of the PDP
RMA	Resource Management Act 1991
SCA	Specific Control Area
SD	Strategic Directions
TCZ	Abbreviation for the Town Centre Zone Chapter of the PDP
The Council	Selwyn District Council
TRAN	Transport Chapter of the PDP
UGO	Urban Growth Overlay

## 1. Purpose of report

- 1.1 This report is prepared under s42A of the RMA in relation to the 'Commercial and Mixed Use' Zone in the PDP, being CMUZ, TCZ, LCZ, LFRZ and NCZ. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations on either retaining the PDP provisions without amendment or making amendments to the PDP in response to those submissions.
- 1.2 The recommendations are informed by both the technical information provided by Ms Wolfer, Mr Foy and the evaluation undertaken by me as the planning author. In preparing this report I have had regard to the s42A report on Strategic Directions prepared by Mr Love and the Overview s42A report that addresses the higher order statutory planning and legal context, the s42A reports on Urban Growth and Signs.
- 1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

## 2. Qualifications and experience

- 2.1 My full name is Jessica Barbara Tuilaepa. I have been employed by the Council within the planning team for the past eleven years, being a Senior Strategy and Policy Planner for the past three years. My qualifications include a Bachelor of Commerce from Otago University and Master of Environmental Policy from Lincoln University. I am a graduate member of the New Zealand Planning Institute.
- 2.2 I have 12 years' experience as a resource management planner, with this work including having been employed in various resource management positions in local government and private companies since 2008. My predominant experience has been in statutory policy and resource consent planning in the Selwyn District. My experience includes processing and reporting on resource consent applications, district plan formulation and policy advice for the Council, preparation of Assessment of Environmental Effects, monitoring and compliance of consent conditions. My role as part of the District Plan Review Team includes consultation, research and reporting and as Topic Lead for Part 1, and the GIZ, DPZ, KNOZ and PORTZ chapters in addition to the CMUZ chapters discussed in this report.
- 2.3 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel. The opinions expressed in this evidence are based on my qualifications and experience and are within my area of expertise. If I rely on the evidence or opinions of another, my evidence will acknowledge that position.



### 3. Scope of report and topic overview

- 3.1 This report considers the submissions and further submissions that were received in relation to the 'Commercial and Mixed Use Zones'.
- 3.2 Recommendations are made to either retain provisions without amendment, or delete, add to, or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Appendix 2** to this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to a provision, submissions points that sought the retention of the provision without amendment are not footnoted. Appendix 2 also contains a table setting out recommended spatial amendments to the PDP Planning Maps.
- 3.3 The assessment of submissions generally follows the following format:
- ***Submission Information***
  - ***Analysis***
  - ***Recommendation and Amendments***
- 3.4 Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the PDP using cl.16(2) and these are documented in reports available on the Council's website. Where a submitter has requested the same or similar changes to the PDP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments and identified by way of a footnote in this s42A report.

### 4. Statutory requirements

#### ***Resource Management Act 1991***

- 4.1 The PDP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations<sup>1</sup>. Regard is also to be given to the CRPS, any regional plan, district plans of adjacent territorial authorities, and the IMP.
- 4.2 As set out in the ['Overview' Section 32 Report](#), there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in more detail within this report where relevant to the

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<sup>1</sup> Section 74 RMA

assessment of submission points. This report also addresses any definitions that are specific to this topic, but otherwise relies on the s42A report that addresses definitions more broadly.

- 4.3 The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this topic, being: [Strategic Directions..](#)
- 4.4 All recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken for each sub-topic addressed in this report.

## 5. Procedural matters

- 5.1 At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

## 6. Consideration of submissions

### ***Overview of submissions***

- 6.1 907 submission points including 438 further submission points are addressed in the s42A report on the 'Commercial and Mixed Use' Zones (CMUZ, TCZ, LCZ, NCZ, and LFRZ).

### ***Structure of this report***

- 6.2 Given the number, nature and extent of the submissions and further submissions received, this Section 42A Report has been structured based on sections as they appear in the PDP. For the Interpretation Section, the order of appearance is broadly based on the origin of the definition.
- 6.3 The submissions will be assessed in the order set out below:
  - General
  - Definitions
  - Objectives
  - Policies
  - Rules
  - Rule Requirements
  - Matters for Control or Discretion
  - Mapping

## 7. Definitions

### ***“Active Frontage”***

#### ***Submissions***

7.1 One submission point was received in relation to the definition of “Active Frontage”.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0422	Federated Farmers of New Zealand - North Canterbury	017	Active Frontage	Oppose	Delete or amend.

#### ***Analysis***

7.2 Federated Farmers<sup>2</sup> sought the deletion or amendment of the definition of ‘Active Frontage’ as they considered it was not relevant to the PDP. 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. Therefore, I recommend this submission point be rejected.

#### ***Recommendation***

7.3 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

7.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### ***“Department Store” and “Supermarket”***

#### ***Submissions***

7.5 44 submission points, including 36 further submissions, were received in relation to the definitions of “Department Store” and “Supermarket”.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	015	Department Store	Oppose	Amend as follows: means <u>that which is defined in ANZSIC code 4260a</u> <del>retail activity</del> <u>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: ...</u>

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<sup>2</sup> Federated Farmers (DPR-0422.017)

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0157	Kevin & Bonnie Williams	FS353	Department Store	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS427	Department Store	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS384	Department Store	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS432	Department Store	Support In Part	Accept submission in part
DPR-0492	Kevler Development Ltd	FS362	Department Store	Support	Accept submission in part
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS408	Department Store	Support In Part	Accept the submission in part.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	014	Department Store	Oppose	Amend as follows: means that which is defined in ANZSIC code 4260 <del>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: ...</del>
DPR-0157	Kevin & Bonnie Williams	FS673	Department Store	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS598	Department Store	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS551	Department Store	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS591	Department Store	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler Development Ltd	FS206	Department Store	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS844	Department Store	Support In Part	Accept the submission in part.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	020	Department Store	Oppose	Amend as follows: means <u>that which is defined in ANZSIC code 4260</u> <del>a retail activity that uses land and/or buildings for displaying or offering many varieties of goods in different departments for sale to the</del>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					public, with a focus on supplying goods in three or more of the following categories: ...
DPR-0157	Kevin & Bonnie Williams	FS487	Department Store	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS855	Department Store	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS702	Department Store	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS734	Department Store	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler Development Ltd	FS050	Department Store	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS611	Department Store	Support In Part	Accept the submission in part.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	022	Department Store	Oppose	Amend as follows: means <u>that which is defined in ANZSIC code 4260</u> 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: ...
DPR-0358	Rolleston West Residential Limited (RWRL)	055	Supermarket	Oppose	Amend as follows: means <u>that which is defined in ANZSIC code 4110a</u> a retail activity that uses land and/or buildings for displaying or offering a comprehensive range 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.
DPR-0157	Kevin & Bonnie Williams	FS392	Supermarket	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS467	Supermarket	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS424	Supermarket	Support In Part	Accept submission in part

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0461	Dunweavin 2020 Ltd	FS472	Supermarket	Support In Part	Accept submission in part
DPR-0492	Kevler Development Ltd	FS402	Supermarket	Support	Accept submission in part
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS448	Supermarket	Support In Part	Accept the submission in part.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	054	Supermarket	Oppose	Amend as follows: means <u>that which is defined in ANZSIC code 4110a retail activity that uses land and/or buildings for displaying or offering a comprehensive range 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.</u>
DPR-0157	Kevin & Bonnie Williams	FS713	Supermarket	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS638	Supermarket	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS591	Supermarket	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS631	Supermarket	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler Development Ltd	FS246	Supermarket	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS825	Supermarket	Support In Part	Accept the submission in part.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	060	Supermarket	Oppose	Amend as follows: means <u>that which is defined in ANZSIC code 4110a retail activity that uses land and/or buildings for displaying or offering a comprehensive range food, beverage, and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and</u>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<del>housekeeping and other personal items for sale to the public.</del>
DPR-0157	Kevin & Bonnie Williams	FS527	Supermarket	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS895	Supermarket	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS742	Supermarket	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS774	Supermarket	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler Development Ltd	FS090	Supermarket	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS651	Supermarket	Support In Part	Accept the submission in part.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	062	Supermarket	Oppose	Amend as follows: means <u>that which is defined in ANZSIC code 4110a</u> <del>retail activity</del> that uses land and/or buildings for displaying or offering a comprehensive range food, beverage, and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and <del>housekeeping and other personal items for sale to the public.</del>

## Analysis

- 7.6 RWRL, IRHL, RIHL and RIDL<sup>3</sup> oppose the definitions both of “Department Store” and “Supermarket” as notified, seeking that the definitions of these terms are replaced with their equivalent definitions in the ANZSIC. The ODP references the ANZSIC codes for both terms, this has caused interpretation issues as plan users have had to search documents located outside of the ODP to determine how an activity is defined. Activities Based Plans tend to incorporate their own definitions, instead of requiring plan users to search elsewhere to determine how something is defined. An example of this can be seen with the RMA and planning standards definitions, which do contain their own definitions, however, these definitions have been repeated in the Plan to assist with its ease of use. Obviously, an option available to Council could have been to include the entire term of the ANZSIC definitions for both these terms in the text of the PDP, however, the definition as depicted in the ANZSIC still left some grey area when trying to distinguish between a

<sup>3</sup> RWRL DPR-0358.015, RWRL DPR-0358.055, IRHL DPR-0363.014, IRHL DPR-0363.054, RIHL DPR-0374.020, RIHL DPR-0374.060, RIDL DPR-0384.022 and RIDL DPR-0384.062.

supermarket and any other similar activity. The definitions for both these terms were developed with the intention of enabling plan users to determine how an activity is defined and therefore what provisions will apply, without being required to refer to a separate document. In terms of the content of the bespoke definitions for ‘Supermarket’ and ‘Department Store’, the bespoke definitions in the PDP have taken elements from the ANZSIC definitions, so whilst they are not identical, I consider they provide clarity as how to define an activity, whilst avoiding duplication.

- 7.7 However, amendments are proposed to the definition of ‘Supermarket’ following review of Mr. Foy’s economic evidence. Mr. Foy suggested, and I agree that the term ‘comprehensive’ should be replaced with an alternative term. A smaller supermarket or more specialized store may have a more limited range of products, than a larger store, but that lack of a comprehensive range should not exclude them from being classified as a supermarket. Mr Foy also raised the issue of hypermarkets, which are large stores that predominantly sell food and grocery products as well as a range of other goods such as clothing, furniture, and electronics. I do not agree that an additional definition of hypermarket is required, as the proposed definition of Department Store would cover these hypermarkets and the rules treat Departments Stores differently across the CMUZ, but a clause should be added to the definition of Department Store including food and grocery items thus catering for the future potential. I recommend these submission points be rejected.

### ***Recommendation***

- 7.8 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend the definition of ‘Department Store’ as shown in **Appendix 2** to clarify that food and groceries are one of the categories of goods available in such a store.
  - b) Amend the definition of ‘Supermarket’ as shown in **Appendix 2** to clarify the definition applies to supermarkets of differing sizes.
- 7.9 It is recommended that submissions and further submissions are either accepted, accepted in part, or rejected as shown in **Appendix 1**.

### ***“Drive Through Facilities”, “Food and Beverage”, “On-site Public Space” and “Primary Frontage”***

#### ***Submissions***

- 7.10 88 submission points, including 72 further submissions, were received in relation to the definitions of “Drive Through Facilities”, “Food and Beverage Activity”, “On-site Public Space” and “Primary Frontage”.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	018	Drive Through Facilities	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS356	Drive Through Facilities	Support In Part	Accept the submission in part



Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0209	Manmeet Singh	FS430	Drive Through Facilities	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS387	Drive Through Facilities	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS435	Drive Through Facilities	Support In Part	Accept submission in part
DPR-0492	Kevler Development Ltd	FS365	Drive Through Facilities	Support	Accept submission in part
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS411	Drive Through Facilities	Support In Part	Accept the submission in part.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	017	Drive Through Facilities	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS676	Drive Through Facilities	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS601	Drive Through Facilities	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS554	Drive Through Facilities	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS594	Drive Through Facilities	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler Development Ltd	FS209	Drive Through Facilities	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS841	Drive Through Facilities	Support In Part	Accept the submission in part.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	023	Drive Through Facilities	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS490	Drive Through Facilities	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS858	Drive Through Facilities	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS705	Drive Through Facilities	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS737	Drive Through Facilities	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0492	Kevler Development Ltd	FS053	Drive Through Facilities	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS614	Drive Through Facilities	Support In Part	Accept the submission in part.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	025	Drive Through Facilities	Support	Retain as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	021	Food and Beverage Activity	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS359	Food and Beverage Activity	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS433	Food and Beverage Activity	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS390	Food and Beverage Activity	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS438	Food and Beverage Activity	Support In Part	Accept submission in part
DPR-0492	Kevler Development Ltd	FS368	Food and Beverage Activity	Support	Accept submission in part
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS414	Food and Beverage Activity	Support In Part	Accept the submission in part.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	020	Food and Beverage Activity	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS679	Food and Beverage Activity	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS604	Food and Beverage Activity	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS557	Food and Beverage Activity	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS597	Food and Beverage Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler Development Ltd	FS212	Food and Beverage Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS838	Food and Beverage Activity	Support In Part	Accept the submission in part.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	026	Food and Beverage Activity	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS493	Food and Beverage Activity	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS861	Food and Beverage Activity	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS708	Food and Beverage Activity	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS740	Food and Beverage Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler Development Ltd	FS056	Food and Beverage Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS617	Food and Beverage Activity	Support In Part	Accept the submission in part.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	028	Food and Beverage Activity	Support	Retain as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	037	On-site Public Space	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS375	On-site Public Space	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS449	On-site Public Space	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS406	On-site Public Space	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS454	On-site Public Space	Support In Part	Accept submission in part
DPR-0492	Kevler Development Ltd	FS384	On-site Public Space	Support	Accept submission in part
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS430	On-site Public Space	Support In Part	Accept the submission in part.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	036	On-site Public Space	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS695	On-site Public Space	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS620	On-site Public Space	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS573	On-site Public Space	Support In Part	Accept submission in part

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0461	Dunweavin 2020 Ltd	FS613	On-site Public Space	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler Development Ltd	FS228	On-site Public Space	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS850	On-site Public Space	Support In Part	Accept the submission in part.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	042	On-site Public Space	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS509	On-site Public Space	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS877	On-site Public Space	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS724	On-site Public Space	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS756	On-site Public Space	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler Development Ltd	FS072	On-site Public Space	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS633	On-site Public Space	Support In Part	Accept the submission in part.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	044	On-site Public Space	Support	Retain as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	044	Primary Frontage	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS381	Primary Frontage	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS456	Primary Frontage	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS413	Primary Frontage	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS461	Primary Frontage	Support In Part	Accept submission in part
DPR-0492	Kevler Development Ltd	FS391	Primary Frontage	Support	Accept submission in part
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS437	Primary Frontage	Support In Part	Accept the submission in part.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	043	Primary Frontage	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS702	Primary Frontage	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS627	Primary Frontage	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS580	Primary Frontage	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS620	Primary Frontage	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler Development Ltd	FS235	Primary Frontage	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS814	Primary Frontage	Support In Part	Accept the submission in part.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	049	Primary Frontage	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS516	Primary Frontage	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS884	Primary Frontage	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS731	Primary Frontage	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS763	Primary Frontage	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler Development Ltd	FS079	Primary Frontage	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS640	Primary Frontage	Support In Part	Accept the submission in part.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	051	Primary Frontage	Support	Retain as notified

### **Analysis**

- 7.11 RWRL, IRHL, RIHL and RIDL<sup>4</sup> support the definitions of “Drive Through Facilities”, “Food and Beverage Activity”, “On-site Public Space” and “Primary Frontage” as notified. I recommend these submission points be accepted.

### ***Recommendation***

- 7.12 I recommend, for the reasons given above, that the Hearings Panel retain these definitions as notified.
- 7.13 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***“Retail Activity” and “Trade Retail and Trade Suppliers”***

### ***Submissions***

- 7.14 45 submission points, including 36 further submissions, were received in relation to the definitions of “Retail Activity” and “Trade Retail and Trade Suppliers”.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0323	Investore Property Limited	004	Retail Activity	Support	Retain as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	050	Retail Activity	Support In Part	Amend as follows: A commercial activity that uses land and/or buildings for displaying or offering goods for sale <u>to the public</u> . It includes supermarkets and department stores, but excludes food and beverage outlets, drive through facilities and trade retail and trade suppliers.
DPR-0157	Kevin & Bonnie Williams	FS387	Retail Activity	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS462	Retail Activity	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS419	Retail Activity	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS467	Retail Activity	Support In Part	Accept submission in part
DPR-0492	Kevler Development Ltd	FS397	Retail Activity	Support	Accept submission in part
DPR-0493	Gallina Nominees Ltd & Heinz-	FS443	Retail Activity	Support In Part	Accept the submission in part.

<sup>4</sup> RWRL DPR-0358.018, IRHL DPR-0363.017, RIHL DPR-0374.023, RIDL DPR-0384.025, RWRL DPR-0358.021, IRHL DPR-0363.020, RIHL DPR-374.026, RIDL DPR-0384.028, RWRL DPR-0358.037, IRHL DPR-0363.036, RIHL DPR-0374.042, RIDL DPR-0384.044, RWRL DPR-0358.044, IRHL DPR-0363.043, RIHL DPR-0374.049 and RIDL DPR-0384.051

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
	<i>Wattie Ltd Pension Plan</i>				
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	049	Retail Activity	Support In Part	Amend as follows: A commercial activity that uses land and/or buildings for displaying or offering goods for sale <u>to the public</u> . It includes supermarkets and department stores, but excludes food and beverage outlets, drive through facilities and trade retail and trade suppliers.
DPR-0157	Kevin & Bonnie Williams	FS708	Retail Activity	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS633	Retail Activity	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS586	Retail Activity	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS626	Retail Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler Development Ltd	FS241	Retail Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS820	Retail Activity	Support In Part	Accept the submission in part.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	055	Retail Activity	Support In Part	Amend as follows: A commercial activity that uses land and/or buildings for displaying or offering goods for sale <u>to the public</u> . It includes supermarkets and department stores, but excludes food and beverage outlets, drive through facilities and trade retail and trade suppliers.
DPR-0157	Kevin & Bonnie Williams	FS522	Retail Activity	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS890	Retail Activity	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS737	Retail Activity	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS769	Retail Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler Development Ltd	FS085	Retail Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS646	Retail Activity	Support In Part	Accept the submission in part.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	057	Retail Activity	Support In Part	Amend as follows: A commercial activity that uses land and/or buildings for displaying or offering goods for sale <u>to the public</u> . It includes supermarkets and department stores, but excludes food and beverage outlets, drive through facilities and trade retail and trade suppliers.
DPR-0145	Dean Williams, Bunnings Group Limited	001	Trade Retail and Trade Suppliers	Support	Retain as notified.
DPR-0358	Rolleston West Residential Limited (RWRL)	058	Trade Retail and Trade Suppliers	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS395	Trade Retail and Trade Suppliers	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS470	Trade Retail and Trade Suppliers	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS427	Trade Retail and Trade Suppliers	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS475	Trade Retail and Trade Suppliers	Support In Part	Accept submission in part
DPR-0492	Kevler Development Ltd	FS405	Trade Retail and Trade Suppliers	Support	Accept submission in part
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS451	Trade Retail and Trade Suppliers	Support In Part	Accept the submission in part.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	057	Trade Retail and Trade Suppliers	Support	Retain as notified



Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0157	Kevin & Bonnie Williams	FS716	Trade Retail and Trade Suppliers	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS641	Trade Retail and Trade Suppliers	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS594	Trade Retail and Trade Suppliers	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS634	Trade Retail and Trade Suppliers	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler Development Ltd	FS249	Trade Retail and Trade Suppliers	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS808	Trade Retail and Trade Suppliers	Support In Part	Accept the submission in part.
DPR-0365	Stuart PC Limited	044	Trade Retail and Trade Suppliers	Oppose In Part	Amend the definition to include 'construction supplies' (including above and below ground infrastructure, retaining walls etc).
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	063	Trade Retail and Trade Suppliers	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS530	Trade Retail and Trade Suppliers	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS898	Trade Retail and Trade Suppliers	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS745	Trade Retail and Trade Suppliers	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS777	Trade Retail and Trade Suppliers	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler Development Ltd	FS093	Trade Retail and Trade Suppliers	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS654	Trade Retail and Trade Suppliers	Support In Part	Accept the submission in part.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	065	Trade Retail and Trade Suppliers	Support	Retain as notified

### ***Analysis***

- 7.15 RWRL, IRHL, RIHL, and RIDL<sup>5</sup> seek an amendment to include a reference to ‘the public’ in the definition of Retail Activity, as this will provide further distinction between the definitions of ‘Retail Activity’ and ‘Trade Retail and Trade Supplier’. I recommend these submission points be accepted.
- 7.16 Investore<sup>6</sup> supports the definition of “Retail Activity” as notified. I recommend this submission point is accepted in part, subject to the change recommended above.
- 7.17 Bunnings, RWRL, IRHL, RIHL and RIDL<sup>7</sup> support the definition of “Trade Retail and Trade Suppliers” as notified. I recommend these submission points be accepted.
- 7.18 Stuart PC<sup>8</sup> seek an amendment to the definition of ‘Trade Retail and Trade Supplier’ to include reference to ‘construction supplies’. I consider that ‘construction supplies’ would fall under the wider umbrella of ‘building supplies’ and do not consider it necessary to amend the definition to include reference to ‘construction supplies’. I recommend this submission point be rejected.

### ***Recommendation***

- 7.19 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend the definition of ‘Retail Activity’ as shown in **Appendix 2** to clarify retailing activities include sales to the public.
- 7.20 It is recommended that submissions and further submissions are either accepted, accepted in part, or rejected as shown in **Appendix 1**.

## **8. General (all CMUZ chapters in general and their overviews)**

### ***Chapters in General***

#### ***Submissions***

<sup>5</sup> RWRL(DPR-0358.050), RIDL(DPR-0384.057), IRHL(DPR-0363.055) and RIHL(DPR-0374.049)

<sup>6</sup> Investore (DPR-0384.065)

<sup>7</sup> Bunnings (DPR-0145.001), RWRL (DPR-0358.058), IRHL (DPR-0363.057), RIHL (DPR-0374.063) and RIDL (DPR-0384.065)

<sup>8</sup> Stuart PC (DPR-0336.044)

8.1 24 submission points, including eight further submissions, were received in relation to the CMUZ chapters generally.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	005	DPR-GEN	Oppose	Amend PSDP to accommodate supermarkets (including associated access, carparking and retail activities) by expressly providing for supermarkets in the objectives, policies, and rules of the PSDP for a range of centres, and to provide for supermarkets outside of centres where there is a demonstrated need.
DPR-0032	Christchurch City Council	FS255	DPR-GEN	Oppose	Retain the existing proposed District Plan provision for supermarkets.
DPR-0375	Waka Kotahi NZ Transport Agency	FS412	DPR-GEN	Oppose	Waka Kotahi would want to ensure that if the provision was replaced or amended the opportunity is made for all parties to consider any proposed changes.
DPR-0392	CSI Property Limited	FS031	DPR-GEN	Oppose	Reject
DPR-0126	Foster Commercial	002	CMUZ-Overview	Oppose	Delete as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	365	CMUZ-Overview	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	337	CMUZ-Overview	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	343	CMUZ-Overview	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	373	CMUZ-Overview	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	386	CMUZ-Overview	Support	Retain as notified
DPR-0209	Manmeet Singh	FS254	CMUZ-Overview	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS269	CMUZ-Overview	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS344	CMUZ-Overview	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS786	CMUZ-Overview	Oppose In Part	Reject the submission points in part.
DPR-0204	JP Singh	032	TCZ	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0323	Investore Property Limited	005	TCZ	Support	Retain as notified
<i>DPR-0396</i>	<i>Woolworths New Zealand Limited</i>	<i>FS001</i>	<i>TCZ</i>	<i>Support</i>	<i>Allow in full</i>
DPR-0358	Rolleston West Residential Limited (RWRL)	385	TCZ	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	432	TCZ	Support	Retain as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	383	NCZ	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	391	NCZ	Support	Retain as notified.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	361	LFRZ-Overview	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	394	LFRZ-Overview	Support	Retain as notified

### ***Analysis***

- 8.2 Foodstuffs<sup>9</sup> seeks to amend the PDP to accommodate supermarkets (including associated access, carparking and retail activities) by expressly providing for supermarkets in the objectives, policies, and rules of the PDP in a range of centres, and to provide for supermarkets outside of centres where there is a demonstrated need. The issue of supermarkets outside of CMUZ will be considered as required in the other Zone hearing streams.
- 8.3 The PDP provides for Supermarkets in Commercial Zones where appropriate, as demonstrated by the activity status (PER in TCZ, RDIS in LCZ and NCZ and NC in LFRZ). Economic evidence provided during the drafting of the provisions as notified, supported an approach to restrict Supermarkets in certain area to prevent negative economic impacts on the Key Activity Centres. On review, of the provisions and the evidence provided through the PDP hearing process thus far, additional economic evidence was sought specifically to consider the provisions related to Supermarkets in the PDP. I agree with the opinion of Mr Foy that amendments should be made to the treatment of Supermarkets across the CMUZ. Whilst I consider that generally amendments should be made across the CMUZ chapter to accommodate supermarkets, for example, amending the activity status from NC to PER in the LFRZ (discussed in more detail in subsequent sections), I do not consider that new objective, policies, or rules are necessary, and that amendments can be made

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<sup>9</sup> Foodstuffs DPR-0379.005

to specific existing provisions to ensure that Supermarkets are suitably enabled, where appropriate. Therefore, I recommend this submission be accepted in part.

- 8.4 Foster Commercial<sup>10</sup> seeks the deletion of the CMUZ-Overview. The submitter considers that references in the CMUZ Overview relating to the hierarchy of activity centres, viability, and incompatibility appear to assume that the viability of larger centres could be impacted by smaller centres; however, there is no evidence to support this assumption and such references should be removed from the Plan. The '[CMUZ s32 Report](#)' raised the potential of smaller centres to undermine the economic efficiency of the network as a specific issue. I consider the economic evidence provided to support the s32 report (prepared [by Property Economics](#)) provides the justification of the centre's hierarchy, ensuring that the purpose and function of each commercial area within the district and how those centres relate to each other and where they fit within the network is well defined. I therefore recommend that this submission point be rejected.
- 8.5 IRHL, Kāinga Ora, RIDL, RIHL and RWRL<sup>11</sup> support for the CMUZ-Overview as notified. I recommend that these submission points be accepted.
- 8.6 RWRL, Investore, JP Singh and RIDL<sup>12</sup> support the TCZ chapter generally. I recommend that these submission points be accepted in part, subject to recommended changes to applicable Objectives, Policies, Rules, Rule Requirements and Matters that occur in relation to these chapters in subsequent sections of this report.
- 8.7 RIDL and RWRL<sup>13</sup> seek to retain the NCZ provisions as notified, I recommend that these submission points be accepted in part, subject to the recommended changes to applicable Objectives, Policies, Rules, Rule Requirements and Matters that occur in relation to these chapters in subsequent sections of this report.
- 8.8 RIDL and RIHL<sup>14</sup> support LFRZ-Overview as notified; I recommend that these submission points be accepted in part, as in response to Mr. Foy's economic evidence I consider amendments which result in the Overview being more generalised and less Rolleston centric, would demonstrate to Plan Users that additional areas of LFRZ could be possible in the district's larger townships.

### ***Recommendation***

- 8.9 I recommend, for the reasons given above, that the Hearings Panel retain the provisions as notified except as varied by my subsequent recommendations in this report; and to
- a. Amend LFRZ-Overview as shown in **Appendix 2** to remove the Rolleston specific references.
- 8.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### ***Non-notification clauses***

#### ***Submissions***

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<sup>10</sup> Foster Commercial DPR-0126.002

<sup>11</sup> IRHL DPR-0363.337, Kāinga Ora DPR-0414.386, RIDL DPR-0384.373, RIHL DPR-0374.343 and RWRL DPR-0358.365

<sup>12</sup> RWRL DPR-0358.385, Investore DPR-323.005, JP Singh DPR-0204.032 and RIDL DPR-0384.432

<sup>13</sup> RIDL DPR-0384.391 and RWRL DPR-0358.383

<sup>14</sup> RIDL DPR-0384.394 and RIHL (DPR-0374.361

8.11 138 submission points, including 120 further submissions, were received in relation to the use of non-notification clauses across the CMUZ chapters.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	384	LCZ	Support In Part	Amend to insert non-notification clauses as far as practicable and for all rules and rule requirements specifying RDIS status.
DPR-0358	Rolleston West Residential Limited (RWRL)	426	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS212	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS943	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS064	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS379	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS137	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS064	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS033	Non-notification clauses	Support	Accept submission
DPR-0358	Rolleston West Residential Limited (RWRL)	427	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically</u>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<u>with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS213	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS944	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS065	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS383	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS138	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS065	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS034	Non-notification clauses	Support	Accept submission
DPR-0358	Rolleston West Residential Limited (RWRL)	428	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS214	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS945	Non-notification clauses	Support	Accept submission

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0371	Christchurch International Airport Limited (CIAL)	FS066	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS387	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS139	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS066	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS035	Non-notification clauses	Support	Accept submission
DPR-0358	Rolleston West Residential Limited (RWRL)	429	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS215	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS946	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS067	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS391	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0386	Rolleston Square Limited	FS011	Non-notification clauses	Oppose	Reject the submission in full.
DPR-0414	Kāinga Ora - Homes & Communities	FS140	Non-notification clauses	Support	Not Specified



Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS067	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS036	Non-notification clauses	Support	Accept submission
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	446	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS241	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS972	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS162	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS380	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS166	Non-notification clauses	Support	Not Specified
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS219	Non-notification clauses	Support In Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS160	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS062	Non-notification clauses	Support	Accept submission

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	447	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS242	Non-notification clauses	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trices Road Re-zoning Group	FS973	Non-notification clauses	Support	<i>Accept submission</i>
DPR-0371	Christchurch International Airport Limited (CIAL)	FS163	Non-notification clauses	Support In Part	<i>Accept in part</i>
DPR-0375	Waka Kotahi NZ Transport Agency	FS384	Non-notification clauses	Oppose	<i>Retain relevant provisions without a non-notification clause.</i>
DPR-0414	Kāinga Ora - Homes & Communities	FS167	Non-notification clauses	Support	<i>Not Specified</i>
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS220	Non-notification clauses	Support In Part	<i>Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.</i>
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS161	Non-notification clauses	Support In Part	<i>Accept in part</i>
DPR-0456	Four Stars Development & Gould Developments Ltd	FS063	Non-notification clauses	Support	<i>Accept submission</i>
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	448	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0032	Christchurch City Council	FS243	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS974	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS164	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS388	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS168	Non-notification clauses	Support	Not Specified
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS221	Non-notification clauses	Support In Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS162	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS064	Non-notification clauses	Support	Accept submission
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	449	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS244	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0298	Trices Road Re-zoning Group	FS975	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS165	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS392	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0386	Rolleston Square Limited	FS013	Non-notification clauses	Oppose	Reject the submission in full.
DPR-0414	Kāinga Ora - Homes & Communities	FS169	Non-notification clauses	Support	Not Specified
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS222	Non-notification clauses	Support In Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS163	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS065	Non-notification clauses	Support	Accept submission
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	492	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS279	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS026	Non-notification clauses	Support	Accept submission

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0371	Christchurch International Airport Limited (CIAL)	FS092	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS381	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS200	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS092	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS096	Non-notification clauses	Support	Accept the submission
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	493	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS280	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS1000	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS093	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS385	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS201	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS093	Non-notification clauses	Support In Part	Accept in part

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0456	Four Stars Development & Gould Developments Ltd	FS097	Non-notification clauses	Support	Accept the submission
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	494	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS281	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS1001	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS094	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS389	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS202	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS094	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS098	Non-notification clauses	Support	Accept the submission
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	495	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0032	Christchurch City Council	FS282	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS1002	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS095	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS393	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0386	Rolleston Square Limited	FS007	Non-notification clauses	Oppose	Reject the submission in full.
DPR-0414	Kāinga Ora - Homes & Communities	FS203	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS095	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS099	Non-notification clauses	Support	Accept the submission
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	392	LCZ	Support In Part	Amend to insert non-notification clauses as far as practicable and for all rules and rule requirements specifying RDIS status.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	525	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS314	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<i>where the Act requires notification.</i>
DPR-0298	Trices Road Re-zoning Group	FS1033	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS126	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS382	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS234	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS126	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS130	Non-notification clauses	Support	Accept the submission
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	526	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS315	Non-notification clauses	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trices Road Re-zoning Group	FS1034	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS127	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS386	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.



Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0414	Kāinga Ora - Homes & Communities	FS235	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS127	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS131	Non-notification clauses	Support	Accept the submission
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	527	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS316	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS1035	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS128	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS390	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS236	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS128	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS132	Non-notification clauses	Support	Accept the submission

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	528	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS317	Non-notification clauses	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected, and the adverse effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trices Road Re-zoning Group	FS1036	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS129	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS394	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0386	Rolleston Square Limited	FS009	Non-notification clauses	Oppose	Reject the submission in full.
DPR-0414	Kāinga Ora - Homes & Communities	FS237	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS129	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS133	Non-notification clauses	Support	Accept the submission

### Analysis

8.12 RIDL, RIHL, IRHL and RWRL<sup>15</sup> are seeking additional non-notification clauses across the CMUZ chapters. The notification requirements of both Rules and Rule Requirements were considered at the time of drafting and where appropriate, a non-notification clause was included. Not all

<sup>15</sup> RWRL DPR-0358.384, DPR-0358.426, DPR-0358.427, DPR-0358.428, DPR-0358.429, RIDL DPR-0384.392, DPR-0358.525, DPR-0358.526, DPR-0358.527, DPR-0358.528, IRHL-DPR-0363.446, DPR-0358.447, DPR-0358.448,449, RIHL-DPR-0374.492, DPR-0358.493, DPR-0358.494, DPR-0358.495

instances of a CON or RDIS activity should proceed on a non-notified basis. For example, in the NCZ, there are no CON activities. Buildings and Structures have an RDIS status and there is a non-public notification clause. The remaining RDIS statuses that do not have a non-notification clause relate to residential units and when Height or HRTB are breached. Given the potential impacts of these breaches I do not consider a blanket approach is appropriate. If the inclusion of a non-notification clause is deemed appropriate following review of a provision based on a specific submission the relevant provision would be amended accordingly. This is a similar approach across the plan, where a non-notification clause has not been used where Council seeks to retain the ability to notify dependent on the nature of any breach. I recommend these submission points be rejected.

### **Recommendation**

- 8.13 I recommend, for the reasons given above, that the Hearings Panel not insert the non-notification clauses requested by the submitters.
- 8.14 It is recommended that submissions and further submissions are either accepted, accepted in part, or rejected as shown in **Appendix 1**.

## **9. Objectives**

### **CMUZ-Objectives**

#### **Submissions**

- 9.1 65 submission points, including 31 further submissions, were received in relation to the CMUZ-Objectives.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0126	Foster Commercial	003	CMUZ-O1	Oppose	Delete as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	366	CMUZ-O1	Support	Retain as notified
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS525	CMUZ-O1	Support In Part	Accept the submission in part.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	338	CMUZ-O1	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	344	CMUZ-O1	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	374	CMUZ-O1	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	387	CMUZ-O1	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0209	Manmeet Singh	FS255	CMUZ-O1	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS270	CMUZ-O1	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS345	CMUZ-O1	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS787	CMUZ-O1	Oppose In Part	Reject the submission points in part.
DPR-0126	Foster Commercial	004	CMUZ-O2	Oppose	Delete as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	367	CMUZ-O2	Support In Part	Amend as follows: Activities within the Local Centre Zone, Neighbourhood Centre Zone, and Large Format Retail Zone <del>do not</del> <u>undermine-avoid adverse effects</u> on the viability and function of the Town Centre Zone.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	339	CMUZ-O2	Support In Part	Amend as follows: Activities within the Local Centre Zone, Neighbourhood Centre Zone, and Large Format Retail Zone <del>do not</del> <u>undermine-avoid adverse effects</u> on the viability and function of the Town Centre Zone.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	345	CMUZ-O2	Support In Part	Amend as follows: Activities within the Local Centre Zone, Neighbourhood Centre Zone, and Large Format Retail Zone <del>do not</del> <u>undermine-avoid adverse effects</u> on the viability and function of the Town Centre Zone.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	375	CMUZ-O2	Support In Part	Amend as follows: Activities within the Local Centre Zone, Neighbourhood Centre Zone, and Large Format Retail Zone <del>do not</del> <u>undermine-avoid adverse effects</u> on the viability and function of the Town Centre Zone.
DPR-0414	Kāinga Ora - Homes & Communities	388	CMUZ-O2	Support	Retain as notified
DPR-0209	Manmeet Singh	FS256	CMUZ-O2	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS271	CMUZ-O2	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS889	CMUZ-O2	Oppose In Part	Reject submission

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS788	CMUZ-O2	Oppose In Part	Reject the submission points in part.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	340	CMUZ-O3	Support	Retain as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	368	CMUZ-O3	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	346	CMUZ-O3	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	376	CMUZ-O3	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	389	CMUZ-O3	Support	Retain as notified
DPR-0209	Manmeet Singh	FS257	CMUZ-O3	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS272	CMUZ-O3	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS346	CMUZ-O3	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS789	CMUZ-O3	Oppose In Part	Reject the submission points in part.
DPR-0358	Rolleston West Residential Limited (RWRL)	369	CMUZ-O4	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	341	CMUZ-O4	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	347	CMUZ-O4	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	377	CMUZ-O4	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	390	CMUZ-O4	Support	Retain as notified
DPR-0209	Manmeet Singh	FS258	CMUZ-O4	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS273	CMUZ-O4	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS347	CMUZ-O4	Oppose In Part	Reject submission

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS790	CMUZ-O4	Oppose In Part	Reject the submission points in part.
DPR-0358	Rolleston West Residential Limited (RWRL)	370	CMUZ-O5	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	342	CMUZ-O5	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	348	CMUZ-O5	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	378	CMUZ-O5	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	391	CMUZ-O5	Support	Retain as notified
DPR-0209	Manmeet Singh	FS259	CMUZ-O5	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS274	CMUZ-O5	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS348	CMUZ-O5	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS791	CMUZ-O5	Oppose In Part	Reject the submission points in part.
DPR-0358	Rolleston West Residential Limited (RWRL)	371	CMUZ-O6	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	343	CMUZ-O6	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	349	CMUZ-O6	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	379	CMUZ-O6	Support	Retain as notified
DPR-0396	Woolworths New Zealand Limited	001	CMUZ-O6	Oppose	Delete as notified.
DPR-0392	CSI Property Limited	FS006	CMUZ-O6	Oppose	Reject
DPR-0414	Kāinga Ora - Homes & Communities	392	CMUZ-O6	Oppose	Amend as follows:  That building heights and density of urban form in 'Commercial and

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					Mixed Use Zones' <del>reflect the demand for a predominantly low density form of commercial, retail and residential activity</del> reinforce centres as focal points for the community.
DPR-0209	Manmeet Singh	FS260	CMUZ-O6	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS275	CMUZ-O6	Oppose In Part	Reject submission
DPR-0392	CSI Property Limited	FS007	CMUZ-O6	Oppose	Reject
DPR-0461	Dunweavin 2020 Ltd	FS349	CMUZ-O6	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS792	CMUZ-O6	Oppose In Part	Reject the submission points in part.
DPR-0353	Horticulture New Zealand	188	SUB-O3	Oppose In Part	Amend zone objectives to clearly identify the anticipated development outcomes of the zones.
DPR-0358	Rolleston West Residential Limited (RWRL)	FS106	SUB-O3	Oppose	Reject
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	FS106	SUB-O3	Oppose	Reject
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	FS106	SUB-O3	Oppose	Reject
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS106	SUB-O3	Oppose	Reject

## Analysis

- 9.2 Foster Commercial<sup>16</sup> seeks CMUZ-O1 be deleted. The submitter considers that the CMUZ Objectives relating to the hierarchy of activity centres, viability, and incompatibility assume that the viability of larger centres could be impacted by smaller centres; stating they believe there is no evidence to support this assumption. In addition to the justification for the hierarchy provided by the District Development Strategy Selwyn 2031, the economic evidence supporting the [CMUZ s32 Report](#) also supports this approach. I recommend this submission point be rejected. RWRL, IRHL, RIHL, RIDL and Kāinga Ora<sup>17</sup> seek CMUZ-O1 be retained as notified. I recommend these submission points be accepted.

<sup>16</sup> Foster Commercial DPR-0126.003

<sup>17</sup> RWRL DPR-0358.366, IRHL DPR-0363.338, RIHL DPR-0374.344, RIDL DPR-0384.374 and Kainga Ora DPR-0414.387

- 9.3 Foster Commercial<sup>18</sup> seeks CMUZ-O2 is deleted for the same reasons as discussed in relation to CMUZ-O1 above. I recommend this submission point be rejected.
- 9.4 RWRL, IRHL, RIHL, RIDL<sup>19</sup> are seeking amendments to CMUZ-O2 to specifically require a reference be made to 'adverse effects' on centres being avoided. CMUZ-O2 was not drafted in a manner that intended to preclude certain activities from happening in the LCZ, NCZ or LFRZ, the outcome the objective is seeking to achieve is to ensure that development occurs in these zones but not at the expense of any neighbouring TCZ. The terminology selected encourages development in these zones, whilst protecting the viability and function of the TCZ, an approach which aligns with the Township Hierarchy. I recommend these submission points be rejected.
- 9.5 Kāinga Ora<sup>20</sup> seeks CMUZ-O2 be retained as notified. I recommend this submission point be accepted.
- 9.6 RWRL, IRHL, RIDL, RIHL, and Kāinga Ora<sup>21</sup> support CMUZ-O3, CMUZ-O4 and CMUZ-O5 as notified. I recommend these submission points be accepted.
- 9.7 Woolworths<sup>22</sup> seeks CMUZ-O6 be deleted. The submitter considers the proposed objective undermines the ability of the PDP to deliver well-functioning urban environments by setting an expectation for a dominance of low-density form. The reference to 'low density' built form was made in 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 replacing the term 'lower density' with a reference that the scale of development is proportional 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.
- 9.8 Kāinga Ora<sup>23</sup> seek amendment to CMUZ-O6. The submitter seeks the recognition of centres as areas which are identified for growth and intensification and that their place as focal points for the community is reinforced. The submitter is also seeking a higher height limit which is discussed elsewhere in this report. On review, I agree that the term 'low density' could place unintended restrictions on the intensification of the CMUZ and that CMUZ-O6 as notified could limit the potential growth and intensification within the CMUZ. Amending CMUZ-O6 to instead reference that the scale of development is proportional to the function of the centre will ensure that buildings developed in centres reflect both the existing and aspirational character of Selwyn without placing unnecessary restriction on intensification. I recommend this submission point be accepted in part.

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<sup>18</sup> Foster Commercial DPR-0126.004

<sup>19</sup> RWRL DPR-0358.367, IRHL DPR-0363.339, RIHL DPR-0374.345, RIDL DPR-0384.375

<sup>20</sup> Kainga Ora DPR-0414.388

<sup>21</sup> RWRL (DPR-0358.366, DPR-0358.367, DPR-0358.368), IRHL (DPR-0363.338, DPR-0363.339, DPR-0363.340), RIDL (DPR-0384.374, DPR-0384.375, DPR-0384.376), RIHL (DPR-0374.344, DPR-0374.345, DPR-0374.346), and Kainga Ora (DPR-0414.389, DPR-0414.390, DPR-0414.391)

<sup>22</sup> Woolworths (DPR-0396.001)

<sup>23</sup> Kainga Ora (DPR-414.392)



- 9.9 RWRL, IRHL, RIDL and RIHL<sup>24</sup> support CMUZ-O6 as notified, I recommend these submission points be accepted in part, subject to the changes recommended in 9.7 and 9.8.
- 9.10 HortNZ<sup>25</sup> seeks CMUZ-Objectives are amended to reflect the anticipated development outcomes of the zone. The CMUZ-Objectives contain the objectives that are consistent across the TCZ, LCZ, NCZ and LFRZ. I consider amendment to CMUZ-O6 described in 9.7 above satisfies the relief sought by the submitter, I therefore recommend that this submission point be accepted.

### **Recommendation**

- 9.11 I recommend, for the reasons given above, that the Hearings Panel amend the CMUZ-Objectives as follows:
- a. Amend CMUZ-O6 as demonstrated in **Appendix 2** to better describe anticipated development outcomes within the CMUZ.
- 9.12 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **TCZ-Objectives**

### **Submissions**

- 9.13 7 submission points, including 4 further submissions, were received in relation to the TCZ-Objectives.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0204	JP Singh	033	TCZ-O1	Support	Retain as notified
DPR-0323	Investore Property Limited	001	TCZ-O1	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	416	TCZ-O1	Support In Part	Amend as follows:  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, <del>with associated residential activity</del>
DPR-0209	Manmeet Singh	FS022	TCZ-O1	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS294	TCZ-O1	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS373	TCZ-O1	Oppose In Part	Reject submission

<sup>24</sup> RWRL (DPR-0358.371), IRHL (DPR-363.343), RIDL (DPR-0384.379) and RIHL (DPR-0374.349)

<sup>25</sup> HortNZ DPR-0353.188

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS339	TCZ-O1	Oppose In Part	Reject the submission points in part.

9.14 Kāinga Ora<sup>26</sup> seeks to amend TCZ-O1 to reinforce that the TCZ is an appropriate place for residential activities establish. Residential activities are included in the Objective as notified, however, I consider this change in the phrasing of TCZ-O1 would provide clarity for Plan Users regarding the types of activities enabled in the Zone, such as Community and Residential, whilst still emphasizing that the primary focus is Commercial activity. I recommend this submission point be accepted.

9.15 JP Singh and Investore<sup>27</sup> seek to retain TCZ-O1 as notified. I seek these submission points be accepted in part.

### **Recommendation**

9.16 I recommend, for the reasons given above, that the Hearings Panel amend the provision as follows:

- a. Amend TCZ-O1 as demonstrated in **Appendix 2** to reinforce the types of activities anticipated in the TCZ.

9.17 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **LCZ-Objectives**

### **Submissions**

9.18 Five submission points, including four further submissions, were received in relation to the LCZ-Objectives.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0414	Kāinga Ora - Homes & Communities	411	LCZ-O1	Support	Retain as notified
DPR-0209	Manmeet Singh	FS512	LCZ-O1	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS1052	LCZ-O1	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS368	LCZ-O1	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS334	LCZ-O1	Oppose In Part	Reject the submission points in part.

<sup>26</sup> Kainga Ora (DPR-0414.417)

<sup>27</sup> JP SINGH DPR-0204.033 and Investore DPR-0323.001

9.19 Kāinga Ora<sup>28</sup> seeks LCZ-O1 is retain as notified. I recommend that this submission point be accepted.

### **Recommendation**

9.20 I recommend, for the reasons given above, that the Hearings Panel retain the provisions as notified.

9.21 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **NCZ-Objectives**

### **Submissions**

9.22 Six submission points, including four further submissions, were received in relation to the NCZ-Objectives.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0126	Foster Commercial	006	NCZ-O1	Oppose In Part	Amend as follows:  The Neighbourhood Centre Zone provides for <del>small</del> <del>scale</del> commercial activities and community activities that service the needs of the surrounding area.
DPR-0414	Kāinga Ora - Homes & Communities	406	NCZ-O1	Support	Retain as notified
DPR-0209	Manmeet Singh	FS044	NCZ-O1	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS289	NCZ-O1	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS363	NCZ-O1	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS329	NCZ-O1	Oppose In Part	Reject the submission points in part.

9.23 Foster Commercial<sup>29</sup> oppose NCZ-O1 in part and seek to amend the objective to remove reference to ‘small scale’, an approach which aligns with their requests in relation to NCZ-Rules. 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, and the Planning Standards provide a generic description of the NCZ which has been adopted by Council. NCZ’s are described as: “Areas used predominantly for small-scale commercial and community activities that service the needs of

<sup>28</sup> Kainga Ora (DPR-0414.411)

<sup>29</sup> Foster Commercial (126.006)

*the immediate residential neighbourhood*". I consider the wording of NCZ-O1 accurately depicts the nature of the NCZ and provides clarity of plan users as to what is anticipated in the zone.

- 9.24 I recommend this submission point is rejected. Kāinga Ora<sup>30</sup> seeks NCZ-O1 be retained as notified. I recommend this submission point be accepted.

#### **Recommendation**

- 9.25 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 9.26 It is recommended that submissions and further submissions are either accepted, accepted in part, or rejected as shown in **Appendix 1**.

### **LFRZ-Objectives**

#### **Submissions**

- 9.27 Two submission points were received in relation to the LFRZ-Objectives.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	362	LFRZ-O1	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	395	LFRZ-O1	Support	Retain as notified

- 9.28 RIHL and RIDL<sup>31</sup> are seeking LFRZ-O1 be retained as notified. I recommend these submission points be accepted.

#### **Recommendation**

- 9.29 I recommend, for the reasons given above, that the Hearings Panel retain the provisions as notified.
- 9.30 It is recommended that submissions and further submissions are either accepted, accepted in part, or rejected as shown in **Appendix 1**.

### **NEW-Objectives**

#### **Submissions**

- 9.31 Four submission points, and seven further submissions, were received seeking to include additional Objectives across the CMUZ Chapters.

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<sup>30</sup> Kainga Ora (DPR-0414.411)

<sup>31</sup> RIHL and RIDL (DPR-0374.362 and DPR-0384.395)

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion New Zealand Limited	118	New	Neither Support Nor Oppose	Insert as follows: The operation and security of important infrastructure is not compromised by other activities.
DPR-0375	Waka Kotahi NZ Transport Agency	FS264	New	Support	Accept proposed amendment.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS687	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora - Homes & Communities	FS029	New	Oppose	Not specified
DPR-0424	Retirement Villages Association of New Zealand Incorporated (RVA)	033	New	Oppose	Amend to include a new objective to enable retirement villages.
DPR-0425	Ryman Healthcare Limited	032	New	Oppose	Amend to include a new objective to enable retirement villages.

### Analysis

- 9.32 Orion<sup>32</sup> seeks to amend the PDP to include an additional Objective in the CMUZ chapter to further protect Important Infrastructure which is currently protected through the both the SD and the EI chapter, which aligns with the requirements of the Planning Standards. I do not consider additional support is required in the CMUZ chapter. I recommend this submission point be rejected.
- 9.33 RVA and Ryman<sup>33</sup> consider there is a lack of provision for retirement villages in the TCZ, LCZ and NCZ and seek an additional Objective to specifically enable them. Retirement Villages tend to occupy large areas of land and predominantly residential in nature, so I consider they would be more appropriate in a RESZ. The DIS status provided by TCZ-R24 which 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. I do not consider a new objective is necessary to enable retirement villages, therefore, I recommend these submission points be rejected.
- 9.34 RVA and Ryman<sup>34</sup> consider the requirement for residential units above ground floor level as per rules TCZ-R3 and LCZ-R3 would unduly limit the ability to develop retirement villages in the zones. The intention of the rule was to allow the development of residential units, above ground floor level, subject to certain standards, with a RDIS status. This activity status allows the amenity of future residents to be considered, whilst also ensuring that commercial activities are dominant at street level and not subject to reverse sensitivity effects from residents living within these commercial areas. I recommend these submission points be rejected.

<sup>32</sup> Orion DPR-0367.118

<sup>33</sup> RVA DPR-0424.003 and Ryman DPR-0425.032

<sup>34</sup> RVA DPR-0425.039, DPR-0425.040 and Ryman DPR-0424.039, DPR0424.040

### ***Recommendation***

- 9.35 I recommend, for the reasons given above, that the Hearings Panel not include the new objectives requested by submitters.
- 9.36 It is recommended that submissions and further submissions are either accepted, accepted in part, or rejected as shown in **Appendix 1**.

## **10. Policies**

### ***'Commercial and Mixed Use Zones' Policies***

#### ***Submissions***

- 10.1 83 submission points, including 40 further submissions, were received in relation to the Policies of the CMUZ Chapters.

<b>Submitter ID</b>	<b>Submitter Name</b>	<b>Submission Point</b>	<b>Plan Reference</b>	<b>Position</b>	<b>Decision Requested</b>
DPR-0126	Foster Commercial	005	CMUZ-P1	Oppose	Delete as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	372	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 of a</del> scale or nature that would <u>have significant adverse effects</u> <del>on adversely affect</del> the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.
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 of a</del> scale or nature that would <u>have significant adverse effects</u> <del>on adversely affect</del> the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	350	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 of a</del> scale or nature that would <u>have significant adverse effects</u> <del>on adversely affect</del> the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.
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 of a</del> scale or nature that would <u>have significant adverse effects</u> <del>on adversely affect</del> the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.
DPR-0396	Woolworths New Zealand Limited	004	CMUZ-P1	Oppose In Part	Amend as follows:  <del>Encourage</del> Avoid activities locating within any 'Commercial and Mixed Use Zone' 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 <u>recognise and reflect</u> <del>would adversely affect</del> the viability and function of the Town Centre Zone, including <u>having regard to mitigating</u> individual and cumulative adverse <del>retail</del> distributional and urban form effects
DPR-0414	Kāinga Ora - Homes & Communities	393	CMUZ-P1	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0209	Manmeet Singh	FS261	CMUZ-P1	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS276	CMUZ-P1	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS350	CMUZ-P1	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS793	CMUZ-P1	Oppose In Part	Reject the submission points in part.
DPR-0358	Rolleston West Residential Limited (RWRL)	373	CMUZ-P2	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	345	CMUZ-P2	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	351	CMUZ-P2	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	381	CMUZ-P2	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	394	CMUZ-P2	Support In Part	Amend as follows:  Enable low-density commercial and retail activities in commercial zones that contribute to the function and planned urban built form of the zone.
DPR-0209	Manmeet Singh	FS032	CMUZ-P2	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS277	CMUZ-P2	Oppose In Part	Reject submission
DPR-0392	CSI Property Limited	FS008	CMUZ-P2	Oppose	Reject
DPR-0461	Dunweavin 2020 Ltd	FS351	CMUZ-P2	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS794	CMUZ-P2	Oppose In Part	Reject the submission points in part.
DPR-0358	Rolleston West Residential Limited (RWRL)	374	CMUZ-P3	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	346	CMUZ-P3	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	352	CMUZ-P3	Support	Retain as notified



Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	382	CMUZ-P3	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	395	CMUZ-P3	Support	Retain as notified
DPR-0209	Manmeet Singh	FS033	CMUZ-P3	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS278	CMUZ-P3	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS352	CMUZ-P3	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS795	CMUZ-P3	Oppose In Part	Reject the submission points in part.
DPR-0358	Rolleston West Residential Limited (RWRL)	375	CMUZ-P4	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	347	CMUZ-P4	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	353	CMUZ-P4	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	383	CMUZ-P4	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	396	CMUZ-P4	Support	Retain as notified
DPR-0209	Manmeet Singh	FS034	CMUZ-P4	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS279	CMUZ-P4	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS353	CMUZ-P4	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS796	CMUZ-P4	Oppose In Part	Reject the submission points in part.
DPR-0358	Rolleston West Residential Limited (RWRL)	376	CMUZ-P5	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	348	CMUZ-P5	Support	Retain as notified
DPR-0374	Rolleston Industrial	354	CMUZ-P5	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
	Holdings Limited (RIHL)				
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	384	CMUZ-P5	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	397	CMUZ-P5	Support	Unspecified amendments sought.
DPR-0209	Manmeet Singh	FS035	CMUZ-P5	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS280	CMUZ-P5	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS354	CMUZ-P5	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS797	CMUZ-P5	Oppose In Part	Reject the submission points in part.

### Analysis

- 10.2 RWRL, RIHL, RIDL, IRHL and Woolworths<sup>35</sup> seek to amend CMUZ-P1. Woolworths seeks to reword CMUZ-P1 to encourage compatible activities as opposed to avoiding incompatible activities. Similarly, RWRL, RIHL, RIDL and IRHL seek to amend CMUZ-P1 to incorporate more positive terminology. I consider 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 be conditioned to mitigate effects or declined where necessary. I recommend these submission points be rejected.
- 10.3 Foster Commercial<sup>36</sup> considers there is no evidence to support the assumption that the viability of larger centres could be impacted by smaller centres and therefore CMUZ-P1 should be deleted. As stated above, I consider that the Policy is necessary to provide an indication of the type and scale of activities that may establish in each of the CMUZ and the importance of the township network to the district. As detailed in the [Baseline Selwyn Business Zone Policy Assessment](#) prepared by Property Economics, in order to protect the Key Activities Centres, restrictions on commercial centres outside of KACs is required in Selwyn at this point in time. A 450sqm GFA maximum enables most retail and commercial service stores to be developed, whilst still requiring those larger activities which would be assessed with the economic impacts on the existing centre network and the wider objectives and policies of the Plan being considered. The size of the market itself is likely to manage the extent of retail and commercial tenancies in each centre, and this provision provides the flexibility the market requires, whilst also providing SDC with relevant thresholds to ensure potential economic effects are appropriately managed. The approach taken in the PDP does not limit the number of tenancies in a Neighbourhood Centre Zone, as is the approach in the ODP, rather activity thresholds are used instead. I consider there is economic

<sup>35</sup> RWRL DPR-0358.372, RIHL DPR-0374.350, IRHL DPR-0363.344, RIDL DPR-0384.380, Woolworths DPR-0396.004

<sup>36</sup> Foster Commercial (DPR-0126.005)

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, CMUZ-P4 and CMUZ-P5 are retained as notified. I recommend these submission points be accepted.

### ***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

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0204	JP Singh	034	TCZ-P1	Support	Retain as notified
DPR-0323	Investore Property Limited	002	TCZ-P1	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	417	TCZ-P1	Support In Part	Amend as follows: Enable a range of commercial activities, <u>residential activities</u> , visitor accommodation, recreational, cultural, community activities, and public amenities to establish and operate within the Town Centre Zone.
DPR-0209	Manmeet Singh	FS023	TCZ-P1	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS295	TCZ-P1	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS374	TCZ-P1	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS341	TCZ-P1	Oppose In Part	Reject the submission points in part.
DPR-0414	Kāinga Ora - Homes & Communities	418	TCZ-P2	Support	Retain as notified
DPR-0209	Manmeet Singh	FS024	TCZ-P2	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS296	TCZ-P2	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS375	TCZ-P2	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS342	TCZ-P2	Oppose In Part	Reject the submission points in part.
DPR-0414	Kāinga Ora - Homes & Communities	419	TCZ-P3	Support In Part	Amend as follows: Ensure buildings are set back an appropriate distance from identified boundaries to maintain privacy and outlook for residents and <del>to maintain the character of the area in which they are located</del> <u>contribute to the planned urban form.</u>
DPR-0209	Manmeet Singh	FS026	TCZ-P3	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS297	TCZ-P3	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS376	TCZ-P3	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd &	FS343	TCZ-P3	Oppose In Part	Reject the submission points in part.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
	Heinz-Wattie Ltd Pension Plan				

### ***Analysis***

- 10.11 Kāinga Ora<sup>41</sup> seeks to amend TCZ-P1 to include reference to ‘residential activities’ to recognise that residential activities may be appropriate to establish in the TCZ. I consider the amendment to TCZ-P1 would better achieve the relevant objectives and would be consistent with the CMUZ-P3, which manages Residential Activities across all CMUZ. The amendment would also provide clarity as to what activities are anticipated in which of the CMUZ. I recommend this submission point be accepted.
- 10.12 JP Singh and Investore<sup>42</sup> seek to retain TCZ-P1 as notified. I recommend that these submission points be accepted in part, subject to the changes recommended above.
- 10.13 Kāinga Ora<sup>43</sup> seek to retain TCZ-P2 as notified. I recommend this submission point be accepted.
- 10.14 Kāinga Ora<sup>44</sup> seek to amend TCZ-P3, in a similar way to CMUZ-P2 above, the proposed amendment would replace the reference to the ‘character of the area’ and instead reference a ‘planned urban form’. I recommend this submission point be accepted as reference to planned urban form provides clarity that developments that satisfy the threshold in the PDP are anticipated, without being restrained by the existing character of an area (unless expressly restricted).

### ***Recommendation***

- 10.15 I recommend, for the reasons given above, that the Hearings Panel:
- Amend TCZ-P1 as shown in **Appendix 2** to reference residential activities being appropriate to establish in the zone, subject to being located above ground floor level and meeting certain standards.
  - Amend TCZ-P3 as shown in **Appendix 2** to reference planned urban form.
- 10.16 It is recommended that submissions and further submissions are either accepted, accepted in part, or rejected as shown in **Appendix 1**.

## ***Local Centre Zones Policies***

### ***Submissions***

- 10.17 Six submission points, including 4 further submissions, were received in relation to the LCZ-Policies.

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<sup>41</sup> Kainga Ora DPR-0414.417

<sup>42</sup> JP Singh DPR-0204.034 and Investore DPR-0323.002

<sup>43</sup> Kainga Ora DPR-0414.0418

<sup>44</sup> Kainga Ora DPR-0414.0419

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0414	Kāinga Ora - Homes & Communities	412	LCZ-P1	Support In Part	Amend as follows: Enable a range of commercial, <u>residential</u> , 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.
DPR-0209	Manmeet Singh	FS551	LCZ-P1	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS1053	LCZ-P1	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS369	LCZ-P1	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS335	LCZ-P1	Oppose In Part	Reject the submission points in part.
DPR-0160	West Melton Three Ltd	004	LCZ-P2	Oppose	Amend LCZ-P2 to read: Ensure buildings in Castle Hill and West Melton Local Centre Zone ( <u>north side of West Coast Road</u> ) are set back an appropriate distance from boundaries and the scale of built form is consistent with the character and amenity values of the township.

### Analysis

- 10.18 Kāinga Ora<sup>45</sup> seeks to amend LCZ-P1 to include reference to ‘residential activities’ to recognise that residential activities may be appropriate to establish in the LCZ subject to certain standards. I consider amending LCZ-P1 as per the relief sought by the submitter would ensure this policy is consistent with CMUZ-P3 which manages Residential Activities across all CMUZ and would provide clarity as to the types of activities which may occur in the LCZ. I recommend this submission point be accepted.
- 10.19 West Melton Three Ltd<sup>46</sup> seeks amendment to LCZ-P2. The submitter considers that an amendment to LCZ-P2 is necessary to clarify that the requirement applies to the existing LCZ on the north side of the state highway. I consider the Planning Maps sufficiently demonstrates the boundaries of the LCZ and an amendment to the policy is not necessary. I recommend this submission point be rejected.

### Recommendation

<sup>45</sup> Kainga Ora DPR-0414.412

<sup>46</sup> West Melton Three Ltd DPR-0160.004

10.20 I recommend, for the reasons given above, that the Hearings Panel:

- a. Amend LCZ-P1 as shown in **Appendix 2** to reference residential activities being appropriate to establish in the zone, subject to being located above ground floor and meeting certain standards.

10.21 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***Neighbourhood Centre Zones Policies***

### ***Submissions***

10.22 Five submission points, including 4 further submissions, were received in relation to the NCZ-Policies.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0126	Foster Commercial	007	NCZ-P1	Oppose In Part	Amend as follows:  Enable a <del>limited range and scale of</del> commercial activities, visitor accommodation and community facilities.
DPR-0414	Kāinga Ora - Homes & Communities	407	NCZ-P1	Support In Part	Amend as follows: Enable a limited range and scale of commercial activities, visitor accommodation, <u>residential</u> and community facilities.
DPR-0209	Manmeet Singh	FS018	NCZ-P1	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS290	NCZ-P1	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS330	NCZ-P1	Oppose In Part	Reject the submission points in part.

### ***Analysis***

10.23 Foster Commercial and Kāinga Ora seek to amend NCZ-P1. Foster Commercial<sup>47</sup> wishes to remove the reference to the limited scale/range of activities. The wording was selected to help demonstrate the position of the NCZ in the township hierarchy. As described in PART 1 the purpose of the NCZ is: *Areas used predominantly for small-scale commercial and community activities that*

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<sup>47</sup> Foster Commercial DPR-0126.007

*service the needs of the immediate residential neighbourhood.* I consider the wording to be appropriate and recommend this submission point be rejected.

- 10.24 Kāinga Ora seek<sup>48</sup> to amend NCZ-P1 to include reference to residential in the Policy so that Plan Users are aware that Residential Activities could establish in the NCZ. Due to typically small area sizes of NCZ, and with them being surrounded by residential zoning, I do not consider the purpose of the NCZ is specifically for residential. However, I note that the provisions would enable applications to obtain a resource consent as an RDIS activity for a residential development above ground floor level and CMUZ-P3 also further supports this approach. I recommend this submission point be accepted.

### **Recommendation**

- 10.25 I recommend, for the reasons given above, that the Hearings Panel:
- Amend NCZ-P1 as shown in **Appendix 2** to reference residential activities being appropriate to establish in the zone, subject to being located above ground floor level and certain standards being met.
- 10.26 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **Large Format Retail Zones Policies**

### **Submissions**

- 10.27 Seven submission points were received in relation to the LFRZ-Policies.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	363	LFRZ-P1	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	396	LFRZ-P1	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	364	LFRZ-P2	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	397	LFRZ-P2	Support	Retain as notified
DPR-0323	Investore Property Limited	007	LFRZ-P3	Support	Retain as notified
DPR-0374	Rolleston Industrial	365	LFRZ-P3	Support	Retain as notified

<sup>48</sup> Kainga Ora DPR-0414.407



	Holdings Limited (RIHL)				
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	398	LFRZ-P3	Support	Retain as notified

### ***Analysis***

10.28 RIDL and RIHL<sup>49</sup> support LFRZ-P1 and LFRZ-P2 as notified. RIDL, RIHL and Investore<sup>50</sup> support LFRZ-P3 as notified. I recommend these submission points be accepted.

### ***Recommendation***

10.29 I recommend, for the reasons given above, that the Hearings Panel retain the LFRZ-Policies as notified.

10.30 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***NEW-Policies***

### ***Submissions***

10.31 Ten submission points, including four further submissions, were received seeking to include additional Policies across the CMUZ Chapters.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0135	Lilley Family Trust	003	Oppose	Insert a new policy: <u>TCZ-P4</u> <u>While functional and operational requirements of existing activities and development can necessitate a different built form and site, including car parking, layout, to that generally anticipated in this zone, such activities should contribute positively to streetscape and character to the practicable.</u>
DPR-0135	Lilley Family Trust	004	Oppose	Insert a new policy into the NCZ Chapter: <u>NCZ-P2</u> <u>While functional and operational requirements of existing activities and development can necessitate a different built form and site, including car parking, layout to that generally anticipated in this zone, such activities should contribute positively to streetscape and character to the extent practicable.</u>

<sup>49</sup> RIDL DPR-0384.396, DPR-0384.397, RIHL DPR-0374.363 and DPR-0374.364

<sup>50</sup> RIHL DPR-0374.365, RIDL DPR-0384.398 and Investore DPR-0323.007

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0160	West Melton Three Ltd	003	Oppose	Insert new LCZ Policy, to read: <u>While functional and operational requirements of existing activities and development can necessitate a different built form and site, including car parking, layout, to that generally anticipated in this zone, such activities should contribute positively to streetscape and character to the extent practicable.</u>
DPR-0367	Orion New Zealand Limited	120	Neither Support Nor Oppose	Insert as follows: <u>Avoid any activity in commercial and mixed-use zones with the potential to hinder or constrain the establishment or ongoing operation or future development of important infrastructure. This includes but is not limited to avoiding structures and buildings near identified significant electricity distribution lines.</u>
DPR-0375	Waka Kotahi NZ Transport Agency	FS265	Support	Accept proposed amendment.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS689	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora - Homes & Communities	FS030	Oppose	Not specified
DPR-0424	Retirement Villages Association of New Zealand Incorporated (RVA)	034	Oppose	Amend to include a new policy to enable retirement villages
DPR-0217	Summerset Villages (Prebbleton) Limited	FS005	Support	Accept the submission
DPR-0425	Ryman Healthcare Limited	034	Oppose	Amend to include a new policy to enable retirement villages.

### Analysis

10.32 Lilley Family Trust<sup>51</sup> seek the insertion of a new Policy in the NCZ and TCZ to better recognise historical uses of sites and the interface between zones and West Melton Three Ltd<sup>52</sup> seek the same new Policy in the LCZ. I consider policies 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 these submitters. I therefore recommend these submission points be rejected.

<sup>51</sup> Lilley Family Trust DPR-0135.003 and DPR-0135.004

<sup>52</sup> West Melton Three Ltd DPR.0160.003

- 10.33 Orion<sup>53</sup> seeks to amend the PDP to include an additional Policy in the CMUZ chapter to further protect Important Infrastructure which is currently protected through the both the SD and the EI chapter, which aligns with the requirements of the Planning Standards, and I do not consider additional Policy support is required in the CMUZ chapter. I recommend this submission point be rejected.
- 10.34 RVA and Ryman<sup>54</sup> consider there is a lack of provision for retirement villages in the TCZ, LCZ and NCZ and seek an additional Policy to specifically enable them. I do not consider a new policy is necessary to enable retirement villages specifically as these are considered 'residential' activities and should be encouraged in RESZ. CMUZ-P3 provides for residential activities to develop above ground floor level, which aligns with the intent of the zone which is to enable residential development that complements the Commercial nature of the zones. I recommend these submission points be rejected, as the provisions in the PDP would currently consider the development of a Retirement Village as a DIS activity, which would allow for Council to consider the impact of a retirement village occupy land earmarked for Commercial development and consider how to best manage any potential reverse sensitivity issues.

### ***Recommendation***

- 10.35 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 10.36 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **11. Rules**

*NOTE: Due to the numbering of rules for like activities not being consistent across the CMUZ chapters, for example Retail Activities are TCZ-R9 and LFRZ-R6, the following section presents rules in alphabetical order by activity type, so Rule numbers are not in numerical order.*

### ***Activities not otherwise listed***

#### ***Submissions***

- 11.1 One submission point was received in relation to the rules relating to Activities not otherwise listed in the 'Commercial and Mixed Use' Zone Chapter Rule Lists.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	389	LFRZ-R22	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	422	LFRZ-R22	Support	Retain as notified

<sup>53</sup> Orion DPR-0367.120

<sup>54</sup> RVA DPR-0424.034 and Ryman DPR-0425.034

### ***Analysis***

- 11.2 RIHL and RIDL<sup>55</sup> support LFRZ-R22 as notified. I recommend these submission points are accepted.

### ***Recommendation***

- 11.3 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 11.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***Airfields and helicopter landing areas***

### ***Submissions***

- 11.5 Two submission points were received in relation to the rules relating to Airfields and Helicopter Landing areas in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	384	LFRZ-R17	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	417	LFRZ-R17	Support	Retain as notified

### ***Analysis***

- 11.6 RIHL and RIDL<sup>56</sup> support LFRZ-R17 as notified. I recommend these submission points are accepted.

### ***Recommendation***

- 11.7 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 11.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***Automotive Activities***

### ***Submissions***

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<sup>55</sup> RIHL DPR-0374.389 and RIDL DPR-0384.422

<sup>56</sup> RIHL DPR-0374.384 and RIDL DPR-0384.417

- 11.9 Three submission points were received in relation to Automotive Activities in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	020	TCZ-R10	Support	Retain TCZ-R10 as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	374	LFRZ-R7	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	407	LFRZ-R7	Support	Retain as notified

### ***Analysis***

- 11.10 Foodstuffs<sup>57</sup> supports TCZ-R10 as notified. RIHL and RIDL<sup>58</sup> support LFRZ-R7 as notified. I recommend these submission points are accepted.

### ***Recommendation***

- 11.11 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 11.12 It is recommended that submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***Buildings and structures***

### ***Submissions***

- 11.13 Eight submission points, including one further submission point, were received in relation to the Rules relating to Buildings and Structures in the TCZ, LCZ, NCZ and LFRZ.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0204	JP Singh	035	TCZ-R1	Support In Part	Amend activity status for developments in Rolleston Fringe precinct to be no higher than that of the Rolleston Core Precinct.
DPR-0204	JP Singh	036	TCZ-R1	Oppose	Amend clauses so qualitative urban design assessments are required only for building additions, and not

<sup>57</sup> Foodstuffs DPR-0373.020

<sup>58</sup> RIHL DPR-0374.374 and RIDL DPR-0384.407

					modifications or alterations that do not increase floor area.
DPR-0323	Investore Property Limited	009	TCZ-R1	Oppose	Amend as follows: 10. Any addition or modification to an existing building, Where: a. The development is located in Rolleston Core Precinct PREC1; or b. <del>The development new building or</del> <u>the addition or modification to an existing buildings,</u> 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 450m2
DPR-0396	Woolworths New Zealand Limited	FS003	TCZ-R1	Support	Allow in full
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	011	TCZ-R1	Oppose	Amend TCZ-R1.8.b to enable modifications to existing buildings or new buildings greater than 450m2 in GFA in the Lincoln TCZ as a controlled activity.
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	023	TCZ-R1	Oppose	Amend TCZ-R1.8.b to enable modifications to existing buildings or new buildings greater than 450m2 in GFA in the Rolleston TCZ as a controlled activity
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	367	LFRZ-R1	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	400	LFRZ-R1	Support	Retain as notified

### Analysis

- 11.14 JP Singh<sup>59</sup> seeks an amendment to the activity status for developments over 450m<sup>2</sup> in PREC2 Rolleston to be CON not RDIS. Foodstuffs<sup>60</sup> seeks the same amendment for PREC3 Lincoln as well as PREC2 Rolleston. The intention to manage developments over 450m<sup>2</sup> as RDIS is to retain the ability to decline applications that do not achieve good urban design outcomes. I consider the retention of the activity status aligns with CMUZ-O4 to reflect good urban design principles. I recommend these submission points be rejected.

<sup>59</sup> JP Singh DPR-0204.035

<sup>60</sup> Foodstuffs DPR-0373.011 and DPR-0373.023

- 11.15 JP Singh<sup>61</sup> and Investore<sup>62</sup> seeks to amend TCZ-R1.8.b and TCZ-R1.10.b. as the submitters consider that the term ‘development’ could be interpreted as a resource consent being required to make even a minor addition or modification to the building. The term ‘development’ could refer to a new building, converting an existing dwelling or modifying an existing building or buildings, or any combination of these options. The intention of the rule is that a resource consent would be required for any external changes to a building, as part of a development, so that if for example, a modification would result in the removal of any previously consented verandah or active frontage, Council could consider the impacts of such a change. The rule is intended to capture where a building increases in GFA or has an extension added or boards up the existing windows. The rule is not intended to require a resource consent where the building is being painted or undergoing internal alterations. On review of TCZ-R1 I consider the submitter is more concerned with the lack of clarity around the term ‘modification’ as opposed to the term ‘development’ and that to achieve the clarity the submitter seeks, the TCZ-R1 should be amended to replace the term ‘modification’ with ‘structural modifications to the exterior of the building’. I recommend this submission point be accepted in part.
- 11.16 RIHL and RIDL<sup>63</sup> support LFRZ-R1 and LFRZ-R2 as notified. I recommend these submission points be accepted.

### ***Recommendation***

- 11.17 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend TCZ-R1.3 and TCZ-R1.10 as shown in **Appendix 2** to better reflect how the term modification is to be interpreted and retain the other provisions as reference above as notified.
- 11.18 It is recommended that submissions and further submissions are either accepted, accepted in part, or rejected as shown in **Appendix 1**.

## ***Commercial activities not otherwise listed***

### ***Submissions***

- 11.19 Two submission points were received in relation to ‘Commercial Activities not otherwise Listed’ in the LFRZ.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0204	JP Singh	037	TCZ-R5	Support	Retain as notified.
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island)	017	TCZ-R5	Support	Retain as notified.

<sup>61</sup> JP Singh DPR-0204.036

<sup>62</sup> Investore DPR-0323.009

<sup>63</sup> RIDL DPR-0384.400 and RIHL DPR-0374.367 DPR0374.068

	Properties Limited				
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	369	LFRZ-R3	Oppose	Amend the activity status to DIS, rather than NC.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	402	LFRZ-R3	Oppose	Amend the activity status to DIS, rather than NC.

### ***Analysis***

- 11.20 JP Singh and Foodstuffs<sup>64</sup> supports TCZ-R5 as notified. I recommend these submission points be accepted.
- 11.21 RIHL and RIDL<sup>65</sup> oppose the activity status for 'Commercial Activities not otherwise listed' in the LFRZ. The submitters seek an amendment from NC to DIS. A selection of 'Commercial Activities' are permitted in the LFRZ, which aligns with the proposed Objectives and Policies across the CMUZ. CMUZ-O2 seeks that activities in the LFRZ do not undermine the viability and function of the TCZ. LFRZ-O1 also indicates that the purpose of the LFRZ is to provide a zone primarily for retail activities with large floor or yard areas. Such activities are provided for by LFRZ-R6, LFRZ-R7 and LFRZ-R8, and LFRZ-R4 and LFRZ-R5 also enable a certain scale of Office Activities and Food and Beverage activities, which also fall under the umbrella of Commercial. In order to protect the TCZ the status for Commercial activities, not otherwise listed in LFRZ-R4, LFRZ-R5, LFRZ-R6, LFRZ-R7 and LFRZ-R8 should stay NC. I recommend these submission points be rejected.

### ***Recommendation***

- 11.22 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 11.23 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***Commercial composting***

### ***Submissions***

- 11.24 Two submission points were received in relation to the rules relating to Commercial Composting in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	385	LFRZ-R18	Support	Retain as notified

<sup>64</sup> JP Singh DPR-0204.037 and Foodstuffs DPR-0373.016

<sup>65</sup> RIDL DPR-0384.402 and RIHL DPR-0374.369



DPR-0384	Rolleston Industrial Developments Limited (RIDL)	418	LFRZ-R18	Support	Retain as notified
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### ***Analysis***

11.25 RIHL and RIDL<sup>66</sup> support for LFRZ-R18 as notified. I recommend this submission point be accepted.

### ***Recommendation***

11.26 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

11.27 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***Community facilities***

### ***Submissions***

11.28 Three submission points were received in relation to the rules relating to Community Facilities in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0204	JP Singh	044	TCZ-R14	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	377	LFRZ-R10	Oppose	Amend the activity status for activities not complying with LFRZ-R10.1.a., LFRZ-R10.1.b. or LFRZ-R10.1.c. to DIS rather than NC.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	410	LFRZ-R10	Oppose	Amend the activity status for activities not complying with LFRZ-R10.1.a., LFRZ-R10.1.b. or LFRZ-R10.1.c. to DIS rather than NC.

### ***Analysis***

11.29 JP Singh<sup>67</sup> supports TCZ-R14 as notified. I recommend this submission point is accepted.

11.30 RIHL and RIDL<sup>68</sup> seek an amendment to the activity status for Community Activities in the LFRZ. The focus of the LFRZ is to primarily provide for retail activities with a large floor or yard area. 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, which is why they are not permitted in the Zone. I consider the DIS status is appropriate where the

<sup>66</sup> RIDL DPR-0384.418 and RIHL DPR-0374.385

<sup>67</sup> JP Singh DPR-0204.044

<sup>68</sup> RIDL DPR-0384.410 and RIHL DPR-0374.377

Community Facility is under 450m<sup>2</sup> and is not a motorsport or health facility, as is the NC status for Community Facilities over 450m<sup>2</sup>. The outcome sought by LFRZ-P3 is for community activities in the LFRZ should be managed in terms of scale and type to avoid compromising the function, role and vitality of the TCZ, as opposed to the activity itself being specifically avoided in the zone. I recommend these submission points be rejected.

### **Recommendation**

- 11.31 I recommend, for the reasons given above, that the Hearings Panel retain the provisions as notified.
- 11.32 It is recommended that submissions and further submissions are either accepted, accepted in part, or rejected as shown in **Appendix 1**.

## **Corrections activities**

### **Submissions**

- 11.33 Six submission points were received in relation to the rules relating to Corrections Activities in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0300	Ara Poutama Aotearoa the Department of Corrections	011	NCZ-R13	Support In Part	Amend as follows: 1. Any <u>community</u> corrections activity Where: <del>a. The activity is a community corrections activity.</del> <del>And</del> Where the activity complies with the following rule requirements: ....
DPR-0300	Ara Poutama Aotearoa the Department of Corrections	012	LCZ-R15	Support In Part	Amend as follows: 1. Any <u>community</u> corrections activity Where: <del>a. The activity is a community corrections activity.</del> <del>And</del> Where the activity complies with the following rule requirements: ....
DPR-0300	Ara Poutama Aotearoa the Department of Corrections	013	LFRZ-R11	Support In Part	Amend as follows: 1. Any <u>community</u> corrections activity Where: <del>a. The activity is a community corrections activity.</del> <del>And</del> Where the activity complies with the following rule requirements: ....
DPR-0300	Ara Poutama Aotearoa the	014	TCZ-R16	Support In Part	Amend as follows: 1. Any <u>community</u> corrections activity Where:

	Department of Corrections				<del>a. The activity is a community corrections activity.</del> And Where the activity complies with the following rule requirements: ....
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	378	LFRZ-R11	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	411	LFRZ-R11	Support	Retain as notified

### ***Analysis***

- 11.34 Ara Poutama Aotearoa the Department of Corrections<sup>69</sup> supported the provisions relating to ‘Corrections Activities’ in part. As discussed in the Right of Reply report from Hearing 2: Part 1 – Introduction and General Provisions, if the definition of Corrections Activity is deleted (as Recommended) then the ‘Corrections Activities’ provisions would be required to be amended in response. For the reasons details in the Right of Reply Report and the Submitters submission, I recommend these submission points be accepted subject to the inclusion of an additional provision for each CMUZ zone for ‘Corrections Prisons’.
- 11.35 RIHL and RIDL<sup>70</sup> supported LFRZ-R11 as notified. I accept these submission points in part, as the proposed changes have not resulted in an activity status change for the activities, despite the definition change and the additional provision for the LFRZ.

### ***Recommendations and amendments***

- 11.36 I recommend, for the reasons given above, that the Hearings Panel:
- Amend NCZ-R13 and insert new Rule as shown in **Appendix 2** to amend the provisions reflecting the deletion of the Corrections Activities definition.
  - Amend LCZ-R15 and insert new Rule as shown in **Appendix 2** to amend the provisions reflecting the deletion of the Corrections Activities definition.
  - Amend LFRZ-R11 and insert new Rule as shown in **Appendix 2** to amend the provisions reflecting the deletion of the Corrections Activities definition.
  - Amend TCZ-R16 and insert new Rule as shown in **Appendix 2** to amend the provisions reflecting the deletion of the Corrections Activities definition.
- 11.37 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

<sup>69</sup> Ara Poutama Aotearoa DPR-0300.011, DPR-0300.012, DPR-0300.013, DPR-0300.014

<sup>70</sup> RIHL DPR-0374.378 and RIDL DPR-0384.411

## ***Educational facilities***

### ***Submissions***

- 11.38 Seven submission point were received in relation to the rules relating to Educational Facilities in 'Commercial and Mixed Use' Zones

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0126	Foster Commercial	009	NCZ-R14	Oppose In Part	Delete gross floor area control of 150m <sup>2</sup> on educational facilities tenancies
DPR-0204	JP Singh	045	TCZ-R15	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	381	LFRZ-R14	Support	Retain as notified
DPR-0378	The Ministry of Education	028	NCZ-R14	Oppose In Part	Amend as follows: 1. Any education facility, Activity status when compliance not achieved: 2. When compliance with any of NCZ-R14.1.a is not achieved: <u>R</u> DIS ...
DPR-0378	The Ministry of Education	029	LCZ-R16	Support	Retain as notified
DPR-0378	The Ministry of Education	031	TCZ-R15	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	414	LFRZ-R14	Support	Retain as notified

### ***Analysis***

- 11.39 JP Singh, The Ministry of Education and RIHL<sup>71</sup> have stated their support for TCZ-R15, LCZ-R16 and LFRZ-R14. I recommend these submission points be accepted.
- 11.40 The Ministry of Education<sup>72</sup> are seeking a change in activity status for NCZ-R14 from DIS to RDIS. Given the concerns are regarding the potential impact of an educational facility occupying the entire extent of the NCZ, as has happened in the past, I consider the retention of full discretion should be retained. It is recognised that the impact of the size and type of educational facility in a NCZ could vary, for example the impact of a large educational facility taking up two tenancies in a block of shops with 10 tenancies is not as problematic as the facility taking up all the site. The latter scenario would not enable the purpose of the Zone to be achieved, which is to provide for

<sup>71</sup> JP Singh DPR-0204.045, The Ministry of Education DPR-0378.031, DPR-0378.029 and RIHL DPR-0384.414 and DPR-0378.381

<sup>72</sup> Ministry of Education DPR-0378.028

small-scale commercial activities and community activities that service the needs of residents in the surrounding area. I recommend this submission point be rejected.

- 11.41 Foster Commercial<sup>73</sup> seek an amendment be made to NCZ-R14 removing the limit on the size of education facilities. 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. If an education facility is to establish in a NCZ and is over 150m<sup>2</sup> it would require a resource consent and its potential impact on the nearest KAC would also be assessed, as would the impact of the activity in terms of its scales impact on the ability of the remainder of the NCZ to provide for small-scale commercial activities and community activities that service the needs of residents in the surrounding area. I consider maintaining the 150m<sup>2</sup> size limit is appropriate. I recommend this submission point be rejected.

### ***Recommendation***

- 11.42 I recommend, for the reasons given above, that the Hearings Panel retain the provisions as notified.
- 11.43 It is recommended that submissions and further submissions are either accepted, accepted in part, or rejected as shown in **Appendix 1**.

## ***Firearms range***

### ***Submissions***

- 11.44 Two submission points were received in relation to the rules relating to Firearms Ranges in 'Commercial and Mixed Use' Zones

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	380	LFRZ-R13	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	413	LFRZ-R13	Support	Retain as notified

### ***Analysis***

- 11.45 RIDL and RIHL<sup>74</sup> support LFRZ-R13 as notified. I recommend these submission points be accepted.

<sup>73</sup> Foster Commercial DPR-0126.009

<sup>74</sup> RIDL DPR-0384.413 and RIHL DPR-0374.380

### **Recommendation**

- 11.46 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 11.47 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### **Food and beverage activities**

#### **Submissions**

- 11.48 Six submission points were received in relation to the rules relating to Food and Beverage Activities in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0204	JP Singh	038	TCZ-R6	Support In Part	Retain as notified
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	018	TCZ-R6	Support	Retain TCZ-6 as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	370	LFRZ-R4	Oppose	Amend as follows: The maximum GFA of the food and beverage activity does not exceed 150m <sup>2</sup> per individual tenancy, except that <u>a tenancy limit shall not apply for up to a maximum total area of 1,000m<sup>2</sup> GFA within the zone</u> <del>one individual food and beverage activity tenancy within the LFRZ may have a GFA of up to 1,000m<sup>2</sup>.</del>
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	371	LFRZ-R4	Oppose	Amend the activity status to DIS, rather than NC.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	403	LFRZ-R4	Oppose	Amend as follows: The maximum GFA of the food and beverage activity does not exceed 150m <sup>2</sup> per individual tenancy, except that <u>a tenancy limit shall not apply for up to a maximum total area of 1,000m<sup>2</sup> GFA within the zone</u> <del>one individual food and beverage activity tenancy within the LFRZ may have a GFA of up to 1,000m<sup>2</sup>.</del>
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	404	LFRZ-R4	Oppose	Amend the activity status to DIS, rather than NC.

### ***Analysis***

- 11.49 Foodstuffs and JP Singh<sup>75</sup> support and support in part TCZ-R6 as notified. I recommend these submission points be accepted.
- 11.50 RIDL and RIHL<sup>76</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 Developments Limited (RIDL)	421	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.

### ***Analysis***

<sup>75</sup> Foodstuffs DPR-0373.018 and JP Singh DPR-0204.038

<sup>76</sup> RIDL DPR-0384.403, DPR-0384.404 and DPR-0374.370, DPR-0384.371

- 11.54 RIHL and RIDL<sup>77</sup> seek LFRZ-R21 (Industrial Activities not otherwise listed) is deleted and replaced with another provision permitting the activities that would have otherwise been enabled if the land was to remain zoned General Industrial. Based on the description provided by the Planning Standards, a LFRZ should enable predominantly larger format commercial activities, which does not specifically exclude those activities of an industrial nature. The PDP as notified, only contains one area zoned LFRZ, this site adjoins the GIZ, in Rolleston. Under the ODP, the site is zoned Industrial (B2A), however, the zoning is proposed to be changed to LFRZ through the PDP, based area of this zone being proposed as Large Format Retail in the ODP located in APP28 of the ODP and based on several Resource Consents granted for the site, not as a specific response to a shortfall in Commercial land available. Under the ODP the LFRZ land is zoned Industrial (B2A) and has been included in the Council's capacity assessment as Industrial, not Commercial. Therefore, retaining the ability for the land to be utilized for industrial activities will not reduce the Commercial Capacity beyond what is presently anticipated. I recommend that instead of deleting the provisions, LFRZ-R21 is 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. I recommend these submission points be accepted in part.

#### ***Recommendation***

- 11.55 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend LFRZ-R21 as shown in **Appendix 2** to permit Industrial Activities not listed in GIZ-SCHED1 Offensive Trades in PREC<sub>x</sub>.
  - b) Amend planning Maps and Schedule as shown in **Appendix 2** to demonstrate PREC extent which permits Industrial Activities
- 11.56 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

#### **S32AA evaluation**

- 11.57 The following points evaluate the recommended changes under Section 32AA of the RMA.

##### Effectiveness and efficiency

- 11.58 The proposed amendment to LFRZ-R21 is the most effective means of achieving the objective(s) as it increases flexibility in terms of what types of activities can be undertaken in the LFRZ. Amending LFRZ-R21 is considered more efficient than the notified provisions and there will be no compliance costs associated with resource consent requirements.

##### Costs and benefits

- 11.104 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.

##### Risk of acting or not acting

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<sup>77</sup> RIDL DPR-0384.421 and RIHL DPR-0374.388



- 11.105 The site is zoned Industrial under the ODP and has not been incorporated into the Commercial Capacity calculations. The risk of amending LFRZ-R21 is therefore limited and the associated LFRZ rule requirements and relevant District Wide Matters capture the likely potential or actual adverse effects. Any new LFRZ sites would be subject to a Private Plan Change and would be assessed for the appropriateness of their receiving environment at the time a Private Plan Change requested and amendments to the provisions can be amended on a site-specific basis.

Conclusion as to the most appropriate option

- 11.106 The recommended amendments are more appropriate in achieving the relevant objectives of the PDP and the purpose of the RMA because it better provides for the demand for Industrial activities in the future, without compromising the other CMUZs.

## ***Keeping of animals***

### ***Submissions***

- 11.59 Three submission points were received in relation to the Keeping of Animals in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	382	LFRZ-R15	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	415	LFRZ-R15	Support	Retain as notified
DPR-0386	Rolleston Square Limited	008	TCZ-R19	Oppose In Part	Amend to allow for the keeping of animals for other purposes.

### ***Analysis***

- 11.60 RIHL and RIDL<sup>78</sup> support LRFZ-R15 as notified. I recommend these submission points be accepted.
- 11.61 Rolleston Square<sup>79</sup> opposes TCZ-R19 in part, with the submitter seeking that the 'keeping of animals' is allowed for other purposes in the TCZ, for example to operate a Vet Clinic. A 'Veterinary Facility' is specifically defined in the PDP as a subset of 'Commercial Activity'. I consider a Vet Clinic could operate in the TCZ as permitted by TCZ-R5. I recommend this submission point be rejected.

### ***Recommendation***

- 11.62 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

<sup>78</sup> RIDL DPR-0384.415 and RIHL DPR-0374.382

<sup>79</sup> Rolleston Square DPR-0386.008

- 11.63 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***Landfills***

### ***Submissions***

- 11.64 Six submission points were received in relation to Landfills in the 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0122	Frews Quarries Ltd	029	NCZ-R21	Oppose	Amend plan objectives, policies and methods, including rules, to recognise the landfill classification system in WasteMINZ Guidelines, and establish appropriate policy and rules that reflect the classification of the landfill.
DPR-0122	Frews Quarries Ltd	030	LCZ-R23	Oppose	Amend plan objectives, policies and methods, including rules, to recognise the landfill classification system in WasteMINZ Guidelines, and establish appropriate policy and rules that reflect the classification of the landfill.
DPR-0122	Frews Quarries Ltd	032	TCZ-R23	Oppose	Amend plan objectives, policies and methods, including rules, to recognise the landfill classification system in WasteMINZ Guidelines, and establish appropriate policy and rules that reflect the classification of the landfill.
DPR-0122	Frews Quarries Ltd	031	LFRZ-R19	Oppose	Amend plan objectives, policies and methods, including rules, to recognise the landfill classification system in WasteMINZ Guidelines, and establish appropriate policy and rules that reflect the classification of the landfill.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	386	LFRZ-R19	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	419	LFRZ-R19	Support	Retain as notified

### ***Analysis***

- 11.65 Frews<sup>80</sup> oppose the TCZ, LCZ and NCZ rules related to Landfills. 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. Specific Rules (TCZ-R23, LCZ-R23, NCZ-

<sup>80</sup> Frews DPR-0122.029, DPR-0122.030 and DPR-0122.032

R21 and LFRZ-R19) were included in the CMUZ Chapters to ensure that Landfills would have an NC status instead of the default DIS status. I consider the existing suite Objectives, Policies and methods contained in the CMUZ chapters are appropriate and if a resource consent application was received seeking to establish a Landfill in a CMUZ zone, Council's discretion would not be restricted and in addition to the ability to consider WasteMINZ Guidelines, could also publicly notify the proposal at which time submitters could participate in the process. I recommend these submission points be rejected.

- 11.66 Frews<sup>81</sup> also oppose LFRZ-R19 for the reasons stated above, for the same reasons I recommend this submission point be rejected. RIHL and RIDL<sup>82</sup> support LFRZ-R19 as notified, and as such, I recommend these submission points be accepted.

### ***Recommendation***

- 11.67 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 11.68 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***Office activity***

### ***Submissions***

- 11.69 Four submission points were received in relation to Office Activities in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0204	JP Singh	039	TCZ-R7	Support In Part	Amend as follows: 1. Any office activity. Where the activity complies with the following rule requirements: ... <del>TCZ-REQ2 Height</del> <del>TCZ-REQ3 Height in relation to boundary</del> ...
DPR-0204	JP Singh	040	TCZ-R7	Support In Part	Amend as follows: Where the activity complies with the following rule requirements: ... <del>TCZ-REQ2 Height</del> <del>TCZ-REQ3 Height in relation to boundary</del> ...
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	372	LFRZ-R5	Support	Retain as notified

<sup>81</sup> Frews DPR-0122.031

<sup>82</sup> RIDL DPR-0384.419 and RIHL DPR-0374.386

DPR-0384	Rolleston Industrial Developments Limited (RIDL)	405	LFRZ-R5	Support	Retain as notified
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### ***Analysis***

11.70 JP Singh<sup>83</sup> supports TCZ-R7 in part, seeking the deletion of the Rule Requirements for both Height and HTRB, as the submitter considers these are not applicable as the building within which the activity occurs is subject to these requirements, not the activity itself. I agree, these Rule Requirements are not necessary for an office activity to operate as a permitted activity. I recommend these submission points be accepted.

11.71 RIHL and RIDL<sup>84</sup> support LFRZ-R5 as notified. I recommend these submission points be accepted.

### ***Recommendation***

11.72 I recommend, for the reasons given above, that the Hearings Panel:

a) Amend TCZ-R7 as shown in **Appendix 2** to remove requirements to comply with Height and HRTB.

11.73 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***Public amenities***

### ***Submissions***

11.74 Two submission points were received in relation to Public Amenities in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	381	LFRZ-R14	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	414	LFRZ-R14	Support	Retain as notified

### ***Analysis***

<sup>83</sup> JP Singh DPR-0204.039 and DPR-0204.040

<sup>84</sup> RIDL DPR-0384.405 and RIHL DPR-0374.372

11.75 RIDL and RIHL<sup>85</sup> support LFRZ-R14 as notified. I recommend this submission point in accepted.

### ***Recommendation***

11.76 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

11.77 It is recommended that submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***Primary production***

### ***Submissions***

11.78 Four submission points were received in relation to Primary Production Activities in ‘Commercial and Mixed Use’ Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	383	LFRZ-R16	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	416	LFRZ-R16	Support	Retain as notified
DPR-0439	Rayonier Matariki Forests	014	LFRZ-R16	Oppose In Part	Amend LFRZ-R16.1.a.iii to refer to Plantation Forestry Activity as defined in the NESPF.
DPR-0439	Rayonier Matariki Forests	013	LCZ-R20	Oppose In Part	Amend LCZ-R20.1.a.iii to refer to Plantation Forestry Activity as defined in the NESPF.

### ***Analysis***

11.79 Rayonier<sup>86</sup> seek an amendment replacing the use of the definition of “Plantation Forestry” with ‘Plantation Forestry Activity’. Both definitions are taken from Section 3 of the NESPF. The rules in the PDP are managing the ‘principle’ of the activity establishing or expanding in a particular location. In CMUZ, Plantation Forestry is a non-complying activity. If consent is granted for such an activity to establish in the CMUZ, the specifics of the activity on would still be managed by NES-PF. I consider the definition as notified, aligns with the intent of the activity the provisions are intending to measure and therefore recommend that this submission point be rejected. Regardless of the change in activity status, both planting of the plantation and future harvesting would be NC.

11.80 RIHL and RIDL<sup>87</sup> support LFRZ-R16 as notified. I recommend these submission points be accepted.

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<sup>85</sup> RIDL DPR-0384.414 and RIHL DPR-0374.381

<sup>86</sup> Rayonier DPR-0439.014

<sup>87</sup> RIDL DPR-0384.416 and RIHL DPR-0374.383

### ***Recommendation***

- 11.81 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 11.82 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### ***Research Activities***

#### ***Submissions***

- 11.83 One submission point was received in relation to the rules relating to Research Activities in 'Commercial and Mixed Use' Zones

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	019	TCZ-R8	Support	Retain as notified

#### ***Analysis***

- 11.84 Foodstuffs<sup>88</sup> supports TCZ-R8 as notified. I recommend this submission point be accepted.

### ***Recommendation***

- 11.85 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 11.86 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### ***Residential units and residential activities***

#### ***Submissions***

- 11.87 18 submission points, including nine further submissions, were received in relation to Residential Units and Residential Activities in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	368	LFRZ-R2	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	401	LFRZ-R2	Support	Retain as notified

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<sup>88</sup> Foodstuffs DPR-0373.019

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0391	Castle Hill Adventure Tours Limited	003	LCZ-R3	Oppose In Part	Amend the LCZ at Castle Hill to allow residential at first floor level and above only in Castle Hill Village Commercial Centre. Consider raising the height limit to 12m in the village centre (refer to submission).
DPR-0483	Castle Hill Property Investment Ltd	FS001	LCZ-R3	Oppose In Part	That submission point 003 is disallowed in part.
DPR-0414	Kāinga Ora - Homes & Communities	408	NCZ-R3	Support In Part	Amend as follows:  Activity status: PER 1. The extension to, or alteration of, an existing residential unit, ... Activity status: <del>RDISPER</del> 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. ... <del>Matters for discretion:</del> <del>6. The exercise of discretion in relation to NCZ-R3.4.a., and NCZ-R3.5.a. is restricted to the following matters:</del> <del>a. CMUZ-MAT2 in CMUZ-Matters for control or discretion</del>
DPR-0209	Manmeet Singh	FS019	NCZ-R3	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS291	NCZ-R3	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS365	NCZ-R3	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS331	NCZ-R3	Oppose In Part	Reject the submission points in part.
DPR-0414	Kāinga Ora - Homes & Communities	413	LCZ-R3	Support In Part	Amend as follows:  Activity status: PER 1. The extension to, or alteration of, an existing residential unit, ... Activity status: <del>RDISPER</del> 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. ... <del>Matters for discretion:</del>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p><del>6. The exercise of discretion in relation to LCZ-R3.4.a., and LCZ-R3.5.a. is restricted to the following matters:</del></p> <p><del>a. CMUZ-MAT2 in CMUZ-Matters for control or discretion</del></p>
DPR-0209	Manmeet Singh	FS547	LCZ-R3	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS1054	LCZ-R3	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS370	LCZ-R3	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS336	LCZ-R3	Oppose In Part	Reject the submission points in part.
DPR-0414	Kāinga Ora - Homes & Communities	420	TCZ-R3	Support In Part	<p>Amend as follows:</p> <p>1. The extension to, or alteration of, an existing residential unit.</p> <p>...</p> <p>Activity Status: <del>RD</del> <u>DISPER</u></p> <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>...</p> <p><del>Matters for discretion:</del></p> <p><del>5. The exercise of discretion in relation to TCZ-R3.3. and TCZ-R3.4. is restricted to the following matters:</del></p> <p><del>a. CMUZ-MAT2 in CMUZ-Matters for control or discretion</del></p> <p><del>b. CMUZ-MAT3 in CMUZ-Matters for control or discretion</del></p> <p>...</p>
DPR-0209	Manmeet Singh	FS027	TCZ-R3	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS298	TCZ-R3	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS377	TCZ-R3	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS344	TCZ-R3	Oppose In Part	Reject the submission points in part.
DPR-0424	Retirement Villages Association of New Zealand Incorporated (RVA)	039	LCZ-R3	Oppose	Delete LCZ-R3.4.a and LCZ-R3.5.a in relation to retirement villages.
DPR-0424	Retirement Villages Association of New	040	TCZ-R3	Oppose	Delete TCZ-R3.3.a and TCZ-R3.4.a in relation to retirement villages.



Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
	Zealand Incorporated (RVA)				
DPR-0425	Ryman Healthcare Limited	039	LCZ-R3	Oppose In Part	Delete LCZ-R3.4.a and LCZ-R3.5.a in relation to retirement villages.
DPR-0425	Ryman Healthcare Limited	040	TCZ-R3	Oppose In Part	Delete TCZ-R3.3.a and TCZ-R3.4.a in relation to retirement villages.

### ***Analysis***

- 11.88 RIHL and RIDL<sup>89</sup> support LFRZ-R2 as notified. I recommend these submission points be accepted.
- 11.89 Kāinga Ora<sup>90</sup> seeks an amendment to TCZ-R3 to make residential units a permitted activity above ground floor level. Kāinga Ora and Castle Hill Adventure Tours Ltd<sup>91</sup> seek to amend LCZ-R3 in the same manner. The RDIS status is to ensure that residential developments are designed in such a manner as to ensure the amenity of the residents would not be unduly impinged. The degree of appropriateness and mitigation of a residential development could vary depending on the surrounding environment and what steps must be taken to protect these activities from reverse sensitivity effects. I consider an RDIS status is appropriate. I recommend these submission points be rejected.
- 11.90 RVA and Ryman<sup>92</sup> consider the requirement for residential units above ground floor level as per rules TCZ-R3 and LCZ-R3 would unduly limit the ability to develop retirement villages in the zones. The intention of the rule was to allow the development of residential units, above ground floor level, subject to certain standards, with a RDIS status, thus allowing the amenity of future residents to be considered, whilst also ensuring that commercial activities were dominant at street level and not subject to reverse sensitivity effects from residents living within these commercial areas. Retirement Villages tend to occupy large areas of land and are predominantly residential in nature, so I consider they would be more appropriate in a RESZ. I recommend these submission points be rejected.
- 11.91 Kāinga Ora<sup>93</sup> seeks an amendment to NCZ-R3 to make residential units a permitted activity above ground floor level. The RDIS status is to ensure that residential developments are designed in such a manner as to ensure the amenity of the residents would not be unduly impinged. The degree of appropriateness and mitigation of a residential development could vary depending on the surrounding environment and what steps must be taken to protect these activities from reverse sensitivity effects. I consider an RDIS status is appropriate. I recommend this submission point be rejected.

### ***Recommendation***

<sup>89</sup> RIDL DPR-0384.401 and RIHL DPR-0374.368

<sup>90</sup> Kainga Ora DPR-0414.420

<sup>91</sup> Kainga Ora DPR-0414.413 and Castle Hill Adventure Tours Ltd DPR-0391.003

<sup>92</sup> RVA DPR-0425.039, DPR-0425.040 and Ryman DPR-0424.039, DPR0424.040

<sup>93</sup> Kainga Ora DPR-0414.408

- 11.92 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 11.93 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***Retail activities***

### ***Submissions***

- 11.94 20 submission points, including ten further submissions, were received in relation to Retail Activities in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0204	JP Singh	041	TCZ-R9	Support	Retain as notified
DPR-0323	Investore Property Limited	003	TCZ-R9	Support	Retain as notified
DPR-0323	Investore Property Limited	012	LFRZ-R6	Support In Part	Amend as follows: 1. Any retail activity that is not otherwise listed in LFRZ-Rule List, Where: a. ... b. The GFA of any individual retail tenancy is no less than <del>450m</del> <u>2500m</u> <sup>2</sup> .
DPR-0358	Rolleston West Residential Limited (RWRL)	FS241	LFRZ-R6	Support	Adopt.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	FS241	LFRZ-R6	Support	Adopt.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	FS241	LFRZ-R6	Support	Adopt.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS241	LFRZ-R6	Support	Adopt.
DPR-0396	Woolworths New Zealand Limited	FS004	LFRZ-R6	Support	Allow in full
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	019	TCZ-R8	Support	Retain TCZ-R8 as notified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	025	LCZ-R9	Oppose	Amend LCZ-R9.1.b to provide for West Melton site as a permitted activity
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	373	LFRZ-R6	Oppose	Amend the activity status for activities not complying with LFRZ-R6.1.a, or LFRZ-R6.1.b. to DIS, rather than NC.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	406	LFRZ-R6	Oppose	Amend the activity status for activities not complying with LFRZ-R6.1.a, or LFRZ-R6.1.b. to DIS, rather than NC.
DPR-0396	Woolworths New Zealand Limited	013	LCZ-R9	Neither Support Nor Oppose	<p>Amend as follows:</p> <p>1. Any retail activity, ....</p> <p>3. When compliance with LCZ-R9.1.b is not achieved: <del>DIS</del> <u>Refer to LCZ-R9.7</u> ....</p> <p>6. Any retail activity, Where: a. the GFA of the retail activity is more than 450m<sup>2</sup> but no more than 1,000m<sup>2</sup> <u>and</u> <u>b. is not a supermarket activity</u> ....</p> <p><u>3A. When compliance with LCZ-R9.6.b is not achieved: Refer to LCZ-R9.7</u></p> <p>4. When compliance with any rule requirement listed in this rule is not achieved: Refer to LCZ-Rule requirements.</p> <p><u>Activity status: PER</u></p> <p><u>7. Any retail activity,</u> <u>Where:</u> <u>a. is a supermarket activity</u> <u>And the activity complies with the following rule requirements:</u> <u>LCZ-REQ1 Servicing</u> <u>LCZ-REQ2 Height</u></p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<u>LCZ-REQ3 Height in relation to boundary</u> <u>LCZ-REQ5 Fencing and outdoor storage</u> <u>LCZ-REQ6 Landscaping</u> <u>LCZ-REQ7 Active frontage</u> <u>Activity status when compliance not achieved:</u> <u>3. When compliance with LCZ-R9.7.a is not achieved: Refer LCZ-R9.1 and LCZ-R9.6</u> <u>4. When compliance with any rule requirement listed in this rule is not achieved: Refer to LCZ-Rule requirements.</u>
DPR-0392	CSI Property Limited	FS011	LCZ-R9	Oppose	Reject
DPR-0396	Woolworths New Zealand Limited	018	LFRZ-R6	Oppose In Part	Amend as follows: Activity status: PER 1. Any retail activity that is not otherwise listed in LFRZ-Rule List, Where: a. The retail activity is not a <del>supermarket</del> or department store; and b. The GFA of any individual retail tenancy is no less than 450m2 <u>c. The retail activity is not a supermarket</u> And the activity complies with the following rule requirements: LFRZ-REQ1 Servicing LFRZ-REQ5 Outdoor storage Activity status when compliance not achieved: 2. When compliance with any of LFRZ-R6.1a, or LFRZ-R6.1.b is not achieved: NC <u>2A When compliance with LFRZ-R6.1.c is not achieved: RD</u> 3. When compliance with any rule requirement listed in this rule is not

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p>achieved: Refer to LFRZ-Rule Requirements</p> <p><u>Matters for discretion:</u></p> <p><u>4. The exercise of discretion in relation to LFRZ-R2A is restricted to the following matters:</u></p> <p><u>CMUZ-MAT1 Economic impacts</u></p>
DPR-0358	Rolleston West Residential Limited (RWRL)	FS242	LFRZ-R6	Support	Adopt.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	FS242	LFRZ-R6	Support	Adopt.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	FS242	LFRZ-R6	Support	Adopt.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS242	LFRZ-R6	Support	Adopt.

### Analysis

- 11.95 JP Singh and Investore<sup>94</sup> support TCZ-R9 as notified. I recommend these submission points be accepted. Foodstuffs<sup>95</sup> also support TCZ-R9 as notified. However, Foodstuffs in their submission incorrectly references full support for TCZ-R8, but considering the context, I consider the reference to TCZ-R8 was an error. I recommend this submission point be accepted.
- 11.96 Woolworths<sup>96</sup> seeks an amendment to LFRZ-R6. The submitter considers supermarkets to be 'large format retail activities' and should be promoted in the LFRZ. Whilst I agree that supermarkets could be considered 'large format' in nature, as per the Economic evidence in the s32 report, certain activities have been restricted to ensure the KAC at Rolleston is not impacted. Given the fast growth of the district, and the evidence provided at the both the SD and UG hearings, additional economic evidence, specifically related to Supermarkets was commissioned. Mr Foy agrees with the submitters that the PDP as notified does not sufficiently provide for Supermarkets. Mr Foy suggested that enabling Supermarkets in a LFRZ zone, as suggested by the submitter, would not negatively impact the Key Activity Centre at Rolleston, and would provide for future requirements of the market. Therefore, I consider it appropriate to amend LFRZ-R6 to provide for Supermarkets in the LFRZ. I note that this approach is consistent with the outcomes sought in the policy

<sup>94</sup> JP Singh DPR-0204.041 and Investore DPR-0323.012

<sup>95</sup> Foodstuffs DPR-373.019

<sup>96</sup> Woolworths DPR-0396.018

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. I recommend this submission point be accepted in part as I consider a PER activity status, instead of the RDIS status original requested would be more appropriate, having considered Mr Foy's evidence and based on the retention of the definition of 'Supermarket' as notified.

- 11.97 Investore<sup>97</sup> seeks amendment to increase the gross floor area requirement for individual retail tenancies. In the 2017 Selwyn Business Zone Policy Assessment, Property Economics provided the 450m<sup>2</sup> limit, which is aligned with the size limit for where a resource consent is required for a building. I consider that the 450m<sup>2</sup> minimum is appropriate in the LFRZ and maintains consistency between what is considered larger format retail across the district. I recommend this submission point be rejected.
- 11.98 RIHL and RIDL<sup>98</sup> 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 450m<sup>2</sup>. I consider the NC status for department stores and where a store is less than 450m<sup>2</sup> achieves the outcomes set out in the policy framework and best achieves the purpose of the LFRZ. I recommend these submission points be rejected.
- 11.99 Foodstuffs<sup>99</sup> considers the exclusion of supermarkets from LCZ-R9 does not recognise existing supermarkets and seeks that any future expansion or upgrade of an existing supermarket should not be restricted. The rules as notified do place a specific limit on the activity of a supermarket, if a tenancy was 400m<sup>2</sup> and looking to double they would need to apply for a resource consent. However, the only matter the Council would be considering would be the potential economic impact of the proposed increase. I acknowledge that if a supermarket activity wished to increase from 900m<sup>2</sup> to 1800m<sup>2</sup> they would also require a resource consent, however this would be assessed as a NC activity, thus indicating that any larger scale retail developments could impact the TCZ. I note that additional expansions or upgrade to the building would also trigger the need for a resource consent under LCZ-R1 which manages buildings and structures. I recommend this submission point be rejected.
- 11.100 Woolworths<sup>100</sup> seek that Supermarkets are acknowledged as Retail activities and are enabled in the LCZ. I consider that Supermarkets are sufficiently recognised as 'retail activities' as the definition for Supermarkets states they are a 'retail activity', which is why they are subject to LCZ-R9 – Retail Activities. The purpose of the LCZ is to provide for the daily and weekly goods and service needs to the surrounding area. In terms of enabling the activity in the LCZ, economic evidence which supported the s32 report outlined potential retail distribution effects for town centres if supermarkets and department stores were enabled in these smaller centres. Smaller scale 'supermarkets' which would include dairies and other specialty stores, of less than 450m<sup>2</sup> in area, were deemed to be at a scale that would support the convenience needs of the local area without created wider distribution effects. Anything larger would require a resource consent and the economic impacts could be assessed. I do not consider amendments to LCZ-R9 are necessary, therefore I recommend this submission point be rejected.

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<sup>97</sup> Investore DPR-0323.003

<sup>98</sup> RIDL DPR-0384.406 RIHL DPR-0374.373

<sup>99</sup> Foodstuffs DPR-373.019

<sup>100</sup> Woolworths DPR-0396.018

### ***Recommendation***

11.101 I recommend, for the reasons given above, that the Hearings Panel;

- a. Amend LFRZ-R6 as shown in **Appendix 2** to permit supermarkets in the LFRZ.

11.102 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### **Section 32AA evaluation**

11.103 The following points evaluate the recommended changes under Section 32AA of the RMA.

#### Effectiveness and efficiency

11.104 The proposed amendment to LFRZ-R6 is the most effective means of achieving the objective(s) as it is the most effective to provide for appropriate retail activities in the LFRZ that do not give rise to retail distribution effects on the TCZ. Amending LFRZ-R6 is considered more efficient than the notified provisions and there will be no compliance costs associated with resource consent requirements.

#### Costs and benefits

11.104 Providing for supermarkets in the LFRZ increases convenience, reduces travel time for customers and provides for the future Supermarket needs of the district. Supermarket activities could cause potential adverse amenity, transport and reverse sensitivity effects if not appropriately managed.

#### Risk of acting or not acting

11.105 There is likely to be the opportunity for 1 or 2 larger supermarkets to establish in Selwyn over the life of the plan due to the size of the market. The risk of amending LFRZ-R6 is therefore limited and the associated LFRZ rule requirements and relevant District Wide Matters capture the likely potential or actual adverse effects. Any new LFRZ sites would be subject to a Private Plan Change and would be assessed for the appropriateness of their receiving environment at the time a Private Plan Change requested and amendments to the provisions can be amended on a site-specific basis. Providing for supermarket activities has social benefits through convenience and access to services within communities.

#### Conclusion as to the most appropriate option

11.106 The recommended amendments are more appropriate in achieving the relevant objectives of the PDP and the purpose of the RMA because it better provides for the demand for Supermarkets in the future, without compromising the other CMUZs.

### ***Trade retail and trade suppliers***

#### ***Submissions***

11.107 Five submission points, including one further submission, were received in relation to Trade Retail and Trade Suppliers in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0145	Dean Williams, Bunnings Group Limited	006	TCZ-R11	Oppose	Delete rule TCZ-R11 – PREC1 as a non-complying activity. Insert new rule providing for Trade Retail and Trade Suppliers as a discretionary activity in the TCZ – PREC1 area.
DPR-0392	CSI Property Limited	FS012	TCZ-R11	Oppose	Reject
DPR-0204	JP Singh	042	TCZ-R11	Support	Retain as notified
DPR-0145	Dean Williams, Bunnings Group Limited	008	LFRZ-R8	Support	Retain as notified.
DPR-0373	Rolleston Industrial Holdings Limited (RIHL)	375	LFRZ-R8	Oppose	Amend as follows:  Activity Status when compliance not achieved:  <del>2. When compliance with any of LFRZ-R8.1 is not achieved: DIS</del>  ...
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	408	LFRZ-R8	Oppose	Amend as follows:  Activity Status when compliance not achieved:  <del>2. When compliance with any of LFRZ-R8.1 is not achieved: DIS</del>  ...

### Analysis

11.108 Bunnings<sup>101</sup> oppose Trade Retail and Trade Supplier Activities being a NC activity in PREC1 as per TCZ-R11 and instead seek a DIS status. Precincts are used to manage activities and guide urban design in the TCZ. Trade Retail and Trade Supplier activities are permitted in the TCZ at Lincoln, Darfield and Leeston and PREC2 of the TCZ in Rolleston. The NC status for Trade Retail and Trade Supplier Activities in PREC1 is being used as a tool to manage the activity and guide the urban design in an area which is currently under construction adjacent to Rolleston Reserve on Tennyson Street. The NC status will ensure that PREC1 develops in accordance with the Rolleston Town Centre Master Plan. I recommend this submission point be rejected and the NC status be retained for PREC1.

11.109 JP Singh<sup>102</sup> supports TCZ-R7 as notified. I recommend this submission point be accepted in part, due to the proposed amendment discussed in the submission point above.

<sup>101</sup> Bunnings DPR-0145.006

<sup>102</sup> JP Singh DPR-0204.042



11.110 RIHL and RIDL<sup>103</sup> seek amendment to LFRZ-R8 as they consider that it is unclear how the activity status for non-compliance with the provision applies and should be deleted. On review, I agree with the submitters that there are no specific standards that could result in the activity becoming DIS and any resource consent required would result from a non-compliance with one of the listed REQs. I recommend these submission points be accepted. Bunnings<sup>104</sup> support LFRZ-R8 as notified. I recommend these submission points be accepted in part, subject to the change as a result the amendments proposed to LFRZ-R8.

### ***Recommendation***

11.111 I recommend, for the reasons given above, that the Hearings Panel;

- a. Amend LFRZ-R8 as shown in **Appendix 2** to remove obsolete activity status for non-compliance.

11.112 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### ***Visitor accommodation***

#### ***Submissions***

11.113 Two submission points were received in relation to Visitor Accommodation in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0455	Paul & Fay McOscar	008	NCZ-R10	Oppose In Part	The Council may wish to consider establishing graded categories and apply appropriate rules and charges that are relative to bed spaces available.
DPR-0455	Paul & Fay McOscar	009	LCZ-R12	Oppose In Part	The Council may wish to consider establishing graded categories and apply appropriate rules and charges that are relative to bed spaces available.
DPR-0455	Paul & Fay McOscar	010	LFRZ-R9	Oppose In Part	The Council may wish to consider establishing graded categories and apply appropriate rules and charges that are relative to bed spaces available.
DPR-0204	JP Singh	043	TCZ-R12	Support	Retain as notified.
DPR-0455	Paul & Fay McOscar	011	TCZ-R12	Oppose In Part	The Council may wish to consider establishing graded categories and apply appropriate rules and charges that are relative to bed spaces available.

### ***Analysis***

<sup>103</sup> RIDL DPR-0384.408 and RIHL DPR-0374.375

<sup>104</sup> Bunnings DPR-0145.007

11.114 Paul and Fay McOscar<sup>105</sup> oppose NCZ-R10, LCZ-R12, LFRZ-R9 and TCZ-R12 in part. The submitters consider there are anomalies relating to properties consented as accommodation providers, who are required to meet industry standards as well as general regulations such as fire, egress, H&S, and those who do not. I consider the relief sought is not something that can be managed by the PDP. I recommend this submission point be rejected.

11.115 JP Singh<sup>106</sup> supports TCZ-R12 as notified. I recommend this submission point be accepted.

### ***Recommendation***

11.116 I recommend, for the reasons given above, that the Hearings Panel retain the provisions as notified.

11.117 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***Waste and diverted material facilities***

### ***Submissions***

11.118 Two submission points were received in relation to waste and diverted material facilities in 'Commercial and Mixed Use' Zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	387	LFRZ-R20	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	420	LFRZ-R20	Support	Retain as notified

### ***Analysis***

11.119 RIDL and RIHL<sup>107</sup> support LFRZ-R20 as notified. I recommend these submission points be accepted.

### ***Recommendation***

11.120 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

11.121 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

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<sup>105</sup> Paul & Fay McOscar DPR-0455.008, DPR-0455.009, DPR-0455.010 and DPR-0455.011

<sup>106</sup> JP Singh DPR0204.043

<sup>107</sup> RIDL DPR-0384.420 and RIHL DPR-0374.387

## NEW-Rules

### Submissions

- 11.122 61 submission points, including 34 further submissions, were received seeking additional Rules be developed across the CMUZ Chapters.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion New Zealand Limited	141	New	Neither Support Nor Oppose	<p>Insert Rule EI-R4 1. (from the Energy and Infrastructure Chapter) into LFRZ and reword as follows:</p> <p><u>All Zones</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. The establishment of a new, or expansion of an existing fence.</u></p> <p><u>Where:</u></p> <p><u>a. The fence's primary material consists of conductive qualities, the fence shall be setback a minimum of:</u></p> <p><u>i.65m from the foundation of a support structure for both any the Significant Electricity Distribution Line (Islington to Springston) Line and all other Significant Electricity Distribution Lines greater than 51kV; or</u></p> <p><u>ii. 2.2m from the foundation of a support structure for any other Significant Electricity Distribution Line between 1-50kV.</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with LFRZ-RXX is not achieved: NC</u></p> <p><u>Notification:</u></p> <p><u>3. Any application arising from LFRZ-RXX shall not be subject to public notification and shall be limited notified to the following parties:</u></p> <p><u>the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</u></p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS710	New	Oppose	<p><i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i></p>
DPR-0367	Orion New Zealand Limited	142	New	Neither Support Nor Oppose	<p>Insert Rule EI-R4 4. (from the Energy and Infrastructure Chapter) into LFRZ and reword as follows:</p> <p><u>LFRZ-RXX Structures near Significant Electricity Distribution</u></p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p>Line</p> <p>Activity Status: PER</p> <p>4. <u>The establishment of a new, or expansion of an existing, structure within greater than 10m from:</u></p> <p>a. <u>the centreline and foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston) as shown on the planning maps;</u> or</p> <p>b. <u>the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston) as shown on the planning maps</u></p> <p>5. <u>The establishment of a new, or expansion of an existing, structure greater than 5m from:</u></p> <p>a. <u>the centreline of other Significant Electricity Distribution Lines as shown on the planning maps; or</u></p> <p>b. <u>the foundation of a support structure of other Significant Distribution Lines as shown on the planning maps (Islington to Springston), or the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston).</u></p> <p><u>Where:</u></p> <p>a. <u>The structure is not used for:</u></p> <p>i. <u>habitation;</u></p> <p>ii. <u>produce packing;</u></p> <p>iii. <u>a milking shed;</u></p> <p>iv. <u>a wintering barn;</u></p> <p>v. <u>intensive primary production; or</u></p> <p>vi. <u>a commercial greenhouse.</u></p> <p>b. <u>The expansion of the existing structure does not occur to a structure listed in LFRZ-R4.4.a</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p>5. <u>When compliance with LFRZ-RX is not achieved: NC</u></p> <p><u>Notification:</u></p> <p>6. <u>Any application arising from LFRZ-XX shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</u></p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS711	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0367	Orion New Zealand Limited	143	New	Neither Support Nor Oppose	<p>Insert the following rule into the LFRZ:</p> <p>LFRZ-RX Trees near Significant Electricity Distribution Lines</p> <p><u>All zones</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. Any tree located near a Significant Electricity Distribution Line</u></p> <p><u>Where:</u></p> <p><u>a. The tree will be set back a minimum of 5m from the centreline of any Significant Electricity Distribution Line; and</u></p> <p><u>b. The species at full maturity, will be a maximum of 3m in height.</u></p> <p><u>Activity Status when Compliance not achieved with clauses a. and b. above: NC</u></p> <p><u>Notification:</u></p> <p><u>Any application arising from LFRZ-RX shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line unless their written approval is provided.</u></p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS712	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0367	Orion New Zealand Limited	145	New	Neither Support Nor Oppose	<p>Insert EI-R3 (from the Energy and Infrastructure Chapter) into LFRZ and reword as follows:</p> <p><u>LFRZ-RXX Sensitive Activities</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. The establishment of a new, or expansion of an existing sensitive activity.</u></p> <p><u>Where:</u></p> <p><u>a. The activity is not within:</u></p> <p><u>i. the National Grid Yard; and</u></p> <p><u>ii. 10m from the centreline or foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston); and</u></p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p>iii. <u>10m from the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston)</u></p> <p>iv. <u>5m from the centreline or foundation of a support structure of any other Significant Electricity Distribution Line; and</u></p> <p>v. <u>5m from the foundation of a support structure of any other Significant Electricity Distribution Line; and</u></p> <p>vi. <u>250m of any lawfully established noise generating infrastructure used for renewable electricity generation as set from the notional boundary of the sensitive activity. Except that this shall not apply to any small and community scale distributed electricity generation and small and community scale distributed electricity generation activity or any sensitive activity within Settlement Zone - Lake Coleridge Township.</u></p> <p><u>And this activity complies with the following rule requirements:</u></p> <p><u>EI-REQ1 Access</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with any of LFRZ-RXX.1. is not achieved: NC</u></p> <p><u>3. When compliance with LFRZ-R3.a.iv is not achieved: DIS</u></p> <p><u>3.4. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant Rule Requirement.</u></p> <p><u>Notification:</u></p> <p><u>5.4. Any application arising from LFRZ-RXX.2 shall not be subject to public notification and shall be limited notified to the following parties:</u></p> <p><u>the network utility operator with responsibility for the infrastructure, infrastructure unless their written approval is provided.</u></p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS714	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion New Zealand Limited	157	New	Neither Support Nor Oppose	<p>Insert Rule EI-R4.1. (from the Energy and Infrastructure Chapter) into LCZ and reword as follows:</p> <p><u>LCZ-RXX Structures near Significant Electricity Distribution Line</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. The establishment of a new, or expansion of an existing fence.</u></p> <p><u>Where:</u></p> <p><u>a. The fence's primary material consists of conductive qualities, the fence shall be setback a minimum of:</u></p> <p><u>i.65m from the foundation of a support structure for both any the Significant Electricity Distribution Line (Islington to Springston) Line and all other Significant Electricity Distribution Lines. greater than 51kV; or</u></p> <p><u>ii. 2.2m from the foundation of a support structure for any other Significant Electricity Distribution Line between 1-50kV.</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with LCZ-RXX is not achieved: NC</u></p> <p><u>Notification:</u></p> <p><u>3. Any application arising from LCZ-RXX shall not be subject to public notification and shall be limited notified to the following parties:</u></p> <p><u>the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</u></p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS726	New	Oppose	<p><i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i></p>
DPR-0414	Kāinga Ora - Homes & Communities	FS048	New	Oppose	<p><i>Not specified</i></p>
DPR-0367	Orion New Zealand Limited	158	New	Neither Support Nor Oppose	<p>Insert Rule EI-R4 4. (from the Energy and Infrastructure Chapter) into LCZ and reword as follows:</p> <p><u>LCZ-RXX Structures near Significant Electricity Distribution Line</u></p> <p><u>Activity Status: PER</u></p> <p><u>4. The establishment of a new, or expansion of an existing, structure</u></p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p>within greater than 10m from:</p> <p>a. the centreline and foundation of a support structure of the <u>Significant Electricity Distribution Line (Islington to Springston) as shown on the planning maps</u>; or</p> <p>b. the foundation of a support structure of the <u>Significant Electricity Distribution Line (Islington to Springston) as shown on the planning maps</u></p> <p>5. The establishment of a new, or expansion of an existing, structure greater than 5m from:</p> <p>a. the centreline of other <u>Significant Electricity Distribution Lines as shown on the planning maps</u>; or</p> <p>b. the foundation of a support structure of other <u>Significant Distribution Lines as shown on the planning maps (Islington to Springston), or the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston).</u></p> <p><u>Where:</u></p> <p>a. The structure is not used for:</p> <p>i. habitation;</p> <p>ii. produce packing;</p> <p>iii. a milking shed;</p> <p>iv. a wintering barn;</p> <p>v. intensive primary production; or</p> <p>vi. a commercial greenhouse.</p> <p>b. The expansion of the existing structure does not occur to a structure listed in EI-R4.4.a</p> <p><u>Activity status when compliance not achieved:</u></p> <p>5. When compliance with LCZ-RX is not achieved: <u>NC</u></p> <p><u>Notification:</u></p> <p>6. Any application arising from <u>LCZ-XX shall not be subject to public notification and shall be limited notified to the following parties:</u></p> <p><u>the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</u></p>
DPR-0407	Royal Forest & Bird Protection Society of New	FS727	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.



Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
	<i>Zealand Inc. (Forest &amp; Bird)</i>				
DPR-0414	<i>Kāinga Ora - Homes &amp; Communities</i>	<i>FS049</i>	<i>New</i>	<i>Oppose</i>	<i>Not specified</i>
DPR-0367	Orion New Zealand Limited	159	New	Neither Support Nor Oppose	<p>Insert as follows:  <u>LCZ-RXX Trees near Significant Electricity Distribution Lines</u>  <u>All zones</u>  <u>Activity Status: PER</u>  <u>1. Any tree located near a Significant Electricity Distribution Line</u>  <u>Where:</u>  <u>a. The tree will be set back a minimum of 5m from the centreline of any Significant Electricity Distribution Line; and</u>  <u>b. The species at full maturity, will be a maximum of 3m in height.</u>  <u>Activity Status when Compliance not achieved with clauses a. and b. above: NC</u>  <u>Notification:</u>  <u>Any application arising from LCZ-RXX shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line unless their written approval is provided.</u></p>
DPR-0407	<i>Royal Forest &amp; Bird Protection Society of New Zealand Inc. (Forest &amp; Bird)</i>	<i>FS728</i>	<i>New</i>	<i>Oppose</i>	<i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i>
DPR-0414	<i>Kāinga Ora - Homes &amp; Communities</i>	<i>FS050</i>	<i>New</i>	<i>Oppose</i>	<i>Not specified</i>
DPR-0367	Orion New Zealand Limited	160	New	Neither Support Nor Oppose	<p>Insert EI-R3 (from the Energy and Infrastructure Chapter) into LCZ and reword as follows:  <u>LCZ-RXX Sensitive Activities</u>  <u>Activity Status: PER</u>  <u>1. The establishment of a new, or expansion of an existing sensitive activity.</u>  <u>Where:</u>  <u>a. The activity is not within:</u>  <u>i. the National Grid Yard; and</u>  <u>ii. 10m from the centreline or foundation of a support structure of the Significant Electricity</u></p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p><u>Distribution Line (Islington to Springston); and</u></p> <p><u>iii. 10m from the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston)</u></p> <p><u>iv. 5m from the centreline or foundation of a support structure of any other Significant Electricity Distribution Line; and</u></p> <p><u>v. 5m from the foundation of a support structure of any other Significant Electricity Distribution Line; and</u></p> <p><u>vi. 250m of any lawfully established noise generating infrastructure used for renewable electricity generation as set from the notional boundary of the sensitive activity. Except that this shall not apply to any small and community scale distributed electricity generation and small and community scale distributed electricity generation activity or any sensitive activity within Settlement Zone - Lake Coleridge Township.</u></p> <p><u>And this activity complies with the following rule requirements:</u></p> <p><u>EI-REQ1 Access</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with any of LCZ-RXX.1 is not achieved: NC</u></p> <p><u>3. When compliance with LCZ-R3.a.iv is not achieved: DIS</u></p> <p><u>3.4. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant Rule Requirement.</u></p> <p><u>Notification:</u></p> <p><u>5.4. Any application arising from LCZ-RXX.2 shall not be subject to public notification and shall be limited notified to the following parties:</u></p> <p><u>the network utility operator with responsibility for the infrastructure, infrastructure unless their written approval is provided.</u></p>
DPR-0407	Royal Forest & Bird Protection Society of New	FS729	New	Oppose	Reject aspects of the submission which do not directly relate to

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
	<i>Zealand Inc. (Forest &amp; Bird)</i>				<i>electricity lines and services as critical infrastructure.</i>
DPR-0414	<i>Kāinga Ora - Homes &amp; Communities</i>	<i>FS051</i>	<i>New</i>	<i>Oppose</i>	<i>Not specified</i>
DPR-0367	Orion New Zealand Limited	167	New	Neither Support Nor Oppose	<p>Insert EI-R3 (from the Energy and Infrastructure Chapter) into NCZ and reword as follows:</p> <p><u>NCZ-RXX Sensitive Activities</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. The establishment of a new, or expansion of an existing sensitive activity.</u></p> <p><u>Where:</u></p> <p><u>a. The activity is not within:</u></p> <p><u>i. the National Grid Yard; and</u></p> <p><u>ii. 10m from the centreline or foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston); and</u></p> <p><u>iii. 10m from the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston)</u></p> <p><u>iv. 5m from the centreline or foundation of a support structure of any other Significant Electricity Distribution Line; and</u></p> <p><u>v. 5m from the foundation of a support structure of any other Significant Electricity Distribution Line; and</u></p> <p><u>vi. 250m of any lawfully established noise generating infrastructure used for renewable electricity generation as set from the notional boundary of the sensitive activity. Except that this shall not apply to any small and community scale distributed electricity generation and small and community scale distributed electricity generation activity or any sensitive activity within Settlement Zone - Lake Coleridge Township.</u></p> <p><u>And this activity complies with the following rule requirements:</u></p> <p><u>EI-REQ1 Access</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with any of NCZ-RXX.1. is not achieved: NC</u></p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p>3. When compliance with EI-R3.a.iv is not achieved: DIS</p> <p>3.4. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant Rule Requirement.</p> <p>Notification:</p> <p>5.4. Any application arising from NCZ-RXX shall not be subject to public notification and shall be limited notified to the following parties:</p> <p>the network utility operator with responsibility for the infrastructure, infrastructure unless their written approval is provided.</p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS736	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora - Homes & Communities	FS057	New	Oppose	Not specified
DPR-0367	Orion New Zealand Limited	168	New	Neither Support Nor Oppose	<p>Insert Rule EI-R4.1. (from the Energy and Infrastructure Chapter) into NCZ and reword as follows:</p> <p><u>NCZ-RXX Structures near Significant Electricity Distribution Line</u></p> <p><u>All Zones</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. The establishment of a new, or expansion of an existing fence.</u></p> <p><u>Where:</u></p> <p><u>a. The fence's primary material consists of conductive qualities, the fence shall be setback a minimum of:</u></p> <p><u>i.65m from the foundation of a support structure for both any the Significant Electricity Distribution Line (Islington to Springston) Line and all other Significant Electricity Distribution Lines. greater than 51kV; or</u></p> <p><u>ii. 2.2m from the foundation of a support structure for any other Significant Electricity Distribution Line between 1-50kV.</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with NCZ-RXX</u></p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p>is not achieved: NC Notification:</p> <p>3. Any application arising from NCZ-RXX shall not be subject to public notification and shall be limited notified to the following parties:</p> <p>the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS737	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora - Homes & Communities	FS058	New	Oppose	Not specified
DPR-0367	Orion New Zealand Limited	169	New	Neither Support Nor Oppose	<p>Insert Rule EI-R4 4. (from the Energy and Infrastructure Chapter) into NCZ and reword as follows:</p> <p><u>NCZ-RXX Structures near Significant Electricity Distribution Line</u></p> <p>Activity Status: PER</p> <p>4. The establishment of a new, or expansion of an existing, structure within greater than 10m from:</p> <p>a. the centreline and foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston) as shown on the planning maps; or</p> <p>b. the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston) as shown on the planning maps</p> <p>5. The establishment of a new, or expansion of an existing, structure greater than 5m from:</p> <p>a. the centreline of other Significant Electricity Distribution Lines as shown on the planning maps; or</p> <p>b. the foundation of a support structure of other Significant Distribution Lines as shown on the planning maps (Islington to Springston), or the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston).</p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p><u>Where:</u></p> <p><u>a. The structure is not used for:</u></p> <p><u>i. habitation;</u></p> <p><u>ii. produce packing;</u></p> <p><u>iii. a milking shed;</u></p> <p><u>iv. a wintering barn;</u></p> <p><u>v. intensive primary production; or</u></p> <p><u>vi. a commercial greenhouse.</u></p> <p><u>b. The expansion of the existing structure does not occur to a structure listed in EI-R4.4.a</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>5. When compliance with NCZ-RX is not achieved: NC</u></p> <p><u>Notification:</u></p> <p><u>6. Any application arising from NCZ-XX shall not be subject to public notification and shall be limited notified to the following parties:</u></p> <p><u>the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</u></p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS738	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora - Homes & Communities	FS059	New	Oppose	Not specified
DPR-0367	Orion New Zealand Limited	171	New	Neither Support Nor Oppose	<p>Insert as follows:</p> <p><u>NCZ-RXX Trees near Significant Electricity Distribution Lines</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. Any tree located near a Significant Electricity Distribution Line</u></p> <p><u>Where:</u></p> <p><u>a. The tree will be set back a minimum of 5m from the centreline of any Significant Electricity Distribution Line; and</u></p> <p><u>b. The species at full maturity, will be a maximum of 3m in height.</u></p> <p><u>Activity Status when Compliance not achieved with clauses a. and b. above: NC</u></p> <p><u>Notification:</u></p> <p><u>Any application arising from NCZ-RXX shall not be subject to public notification and shall be limited</u></p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<u>notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line unless their written approval is provided.</u>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS740	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora - Homes & Communities	FS061	New	Oppose	Not specified
DPR-0367	Orion New Zealand Limited	177	New	Neither Support Nor Oppose	<p>Insert Rule EI-R4.1. (from the Energy and Infrastructure Chapter) into TCZ and reword as follows: <u>TCZ-RXX Structures near Significant Electricity Distribution Line</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. The establishment of a new, or expansion of an existing fence. Where:</u></p> <p><u>a. The fence's primary material consists of conductive qualities, the fence shall be setback a minimum of:</u></p> <p><u>i.65m from the foundation of a support structure for both any the Significant Electricity Distribution Line (Islington to Springston) Line and all other Significant Electricity Distribution Lines. greater than 51kV; or</u></p> <p><u>ii. 2.2m from the foundation of a support structure for any other Significant Electricity Distribution Line between 1-50kV.</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with TCZ-RXX is not achieved: NC</u></p> <p><u>Notification:</u></p> <p><u>3. Any application arising from TCZ-RXX shall not be subject to public notification and shall be limited notified to the following parties:</u></p> <p><u>the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</u></p>
DPR-0407	Royal Forest & Bird Protection	FS746	New	Oppose	Reject aspects of the submission which do not directly relate to

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
	<i>Society of New Zealand Inc. (Forest &amp; Bird)</i>				<i>electricity lines and services as critical infrastructure.</i>
DPR-0414	<i>Kāinga Ora - Homes &amp; Communities</i>	FS066	New	Oppose	Not specified
DPR-0367	Orion New Zealand Limited	178	New	Neither Support Nor Oppose	<p>Insert Rule EI-R4 4. (from the Energy and Infrastructure Chapter) into TCZ and reword as follows:</p> <p><u>TCZ-RXX Structures near Significant Electricity Distribution Line</u></p> <p><u>Activity Status: PER</u></p> <p><u>4. The establishment of a new, or expansion of an existing, structure within greater than 10m from:</u></p> <p><u>a. the centreline and foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston) as shown on the planning maps; or</u></p> <p><u>b. the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston) as shown on the planning maps</u></p> <p><u>5. The establishment of a new, or expansion of an existing, structure greater than 5m from:</u></p> <p><u>a. the centreline of other Significant Electricity Distribution Lines as shown on the planning maps; or</u></p> <p><u>b. the foundation of a support structure of other Significant Distribution Lines as shown on the planning maps (Islington to Springston), or the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston).</u></p> <p><u>Where:</u></p> <p><u>a. The structure is not used for:</u></p> <p><u>i. habitation;</u></p> <p><u>ii. produce packing;</u></p> <p><u>iii. a milking shed;</u></p> <p><u>iv. a wintering barn;</u></p> <p><u>v. intensive primary production; or</u></p> <p><u>vi. a commercial greenhouse.</u></p> <p><u>b. The expansion of the existing structure does not occur to a structure listed in EI-R4.4.a</u></p> <p><u>Activity status when compliance not achieved:</u></p>



Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p>5. When compliance with TCZ-RX is not achieved: NC</p> <p>Notification:</p> <p>6. Any application arising from TCZ-XX shall not be subject to public notification and shall be limited notified to the following parties:</p> <p>the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS747	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora - Homes & Communities	FS067	New	Oppose	Not specified
DPR-0367	Orion New Zealand Limited	179	New	Neither Support Nor Oppose	<p>Insert as follows:</p> <p><u>TCZ-RX Trees near Significant Electricity Distribution Lines</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. Any tree located near a Significant Electricity Distribution Line</u></p> <p><u>Where:</u></p> <p><u>a. The tree will be set back a minimum of 5m from the centreline of any Significant Electricity Distribution Line; and</u></p> <p><u>b. The species at full maturity, will be a maximum of 3m in height.</u></p> <p><u>Activity Status when Compliance not achieved with clauses a. and b. above: NC</u></p> <p><u>Notification:</u></p> <p><u>Any application arising from TCZ-XX shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line unless their written approval is provided.</u></p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS748	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0367	Orion New Zealand Limited	180	New	Neither Support	Insert EI-R3 (from the Energy and Infrastructure Chapter) into TCZ and reword as follows:

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
				Nor Oppose	<p><u>TCZ-RXX Sensitive Activities</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. The establishment of a new, or expansion of an existing sensitive activity.</u></p> <p><u>Where:</u></p> <p><u>a. The activity is not within:</u></p> <p><u>i. the National Grid Yard; and</u></p> <p><u>ii. 10m from the centreline or foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston); and</u></p> <p><u>iii. 10m from the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston)</u></p> <p><u>iv. 5m from the centreline or foundation of a support structure of any other Significant Electricity Distribution Line; and</u></p> <p><u>v. 5m from the foundation of a support structure of any other Significant Electricity Distribution Line; and</u></p> <p><u>vi. 250m of any lawfully established noise generating infrastructure used for renewable electricity generation as set from the notional boundary of the sensitive activity. Except that this shall not apply to any small and community scale distributed electricity generation and small and community scale distributed electricity generation activity or any sensitive activity within Settlement Zone - Lake Coleridge Township.</u></p> <p><u>And this activity complies with the following rule requirements:</u></p> <p><u>EI-REQ1 Access</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with any of TCZ-RXX.1 is not achieved: NC</u></p> <p><u>3. When compliance with TCZ-R3.a.iv is not achieved: DIS</u></p> <p><u>3.4. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant Rule Requirement.</u></p> <p><u>Notification:</u></p> <p><u>5.4. Any application arising from TCZ-RXX.2 shall not be</u></p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<u>subject to public notification and shall be limited notified to the following parties:</u> <u>the network utility operator with responsibility for the infrastructure, infrastructure unless their written approval is provided.</u>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS749	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora - Homes & Communities	FS068	New	Oppose	Not specified
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	003	New	Oppose	Amend PSDP to accommodate supermarkets (including associated access, carparking and retail activities) by expressly providing for supermarkets in the objectives, policies and rules of the PSDP for a range of centres, and to provide for supermarkets outside of centres where there is a demonstrated need.
DPR-0032	Christchurch City Council	FS253	New	Oppose	Retain the existing proposed District Plan provision for supermarkets.
DPR-0375	Waka Kotahi NZ Transport Agency	FS410	New	Oppose In Part	Waka Kotahi would want to ensure that if the provision was replaced or amended the opportunity is made for all parties to consider any proposed changes.
DPR-0392	CSI Property Limited	FS033	New	Oppose	Reject
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	006	New	Oppose	Amend PSDP to accommodate supermarkets (including associated access, carparking and retail activities) by expressly providing for supermarkets in the objectives, policies and rules of the PSDP for a range of centres, and to provide for supermarkets outside of centres where there is a demonstrated need.
DPR-0032	Christchurch City Council	FS256	New	Oppose	Retain the existing proposed District Plan provision for supermarkets.
DPR-0375	Waka Kotahi NZ Transport Agency	FS413	New	0	Waka Kotahi would want to ensure that if the provision was replaced or amended the opportunity is

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<i>made for all parties to consider any proposed changes.</i>
DPR-0392	CSI Property Limited	FS032	New	Oppose	Reject
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	366	New	Support In Part	Insert new LFRZ rules that permit the following defined activities: -On-site public space -Public transport facilities -Temporary activities
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	399	New	Support In Part	Insert new LFRZ rules that permit the following defined activities: - On-site public space - Public transport facilities - Temporary activities
DPR-0396	Woolworths New Zealand Limited	006	New	Oppose	Insert as follows: <u>NCZ-RX Retail Activities that are not otherwise listed in NCZ-Rule List</u> <u>Activity status: RDIS</u> <u>1. Any retail activity that is not otherwise listed in NCZ-Rules List.</u> <u>Where:</u> <u>a. is a supermarket activity over 450m2 in GFA</u> <u>And the activity complies with the following rule requirements:</u> <u>NCZ-REQ1 Servicing</u> <u>Matters for discretion:</u> <u>2. The exercise of discretion in relation to NCZ-RX.1.a is restricted to the following matters:</u> <u>CMUZ-MAT1 Economic impacts</u> <u>CMUZ-MAT3 Urban Design</u> <u>Activity status when compliance not achieved:</u> <u>3. When compliance with NCZ-RX.1a. is not achieved: NC</u> <u>4. When compliance with any rule requirement listed in this rule is not achieved: Refer to NCZ-Rule Requirements</u>
DPR-0392	CSI Property Limited	FS009	New	Oppose	Reject
DPR-0424	Retirement Villages Association of New Zealand Incorporated (RVA)	035	New	Oppose	Amend to include a new rule in the NCZ for retirement villages similar to that sought in relation to the residential zones.
DPR-0424	Retirement Villages Association of New Zealand	036	New	Oppose	Amend to include a new rule in the LCZ for retirement villages similar to that sought in relation to the residential zones.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
	Incorporated (RVA)				
DPR-0424	Retirement Villages Association of New Zealand Incorporated (RVA)	037	New	Oppose	Amend to include a new rule in the TCZ for retirement villages similar to that sought in relation to the residential zones.
DPR-0425	Ryman Healthcare Limited	035	New	Oppose	Amend to include a new rule in the NCZ for retirement villages similar to that sought in relation to the residential zones
DPR-0425	Ryman Healthcare Limited	036	New	Oppose	Amend to include a new rule in the LCZ for retirement villages similar to that sought in relation to the residential zones.
DPR-0425	Ryman Healthcare Limited	037	New	Oppose	Amend to include a new rule in the TCZ for retirement villages similar to that sought in relation to the residential zones.

### ***Analysis***

11.123 Orion<sup>108</sup> seeks to amend the PDP to include additional Rules in the CMUZ chapters to further protect Important Infrastructure which is currently protected through the both the SD and the EI chapter, which aligns with the requirements of the Planning Standards, and I do not consider additional support is required in the CMUZ chapter. I recommend these submission points be rejected.

11.124 RIHL and RIDL<sup>109</sup> seek additional rules in the LFRZ for on-site public space, temp activities and public transport facilities. On-site public space is not technically an activity, but a term used in the Signs chapter to help manage the location of signage. I do not consider that a new rule is required to specifically permit 'On-site public space'. The definition of 'on-site public space' covers parking areas, private lanes and accessways, these are managed by TRAN-R6.

11.125 In the same submission point, RIHL and RIDL<sup>110</sup> also seek a new rule specifically permitting Temporary Activities in the LFRZ. This amendment is not necessary as the Temporary Activities chapter provides for these. The submitters also seek a new rule for Public Transport Facilities, which would technically be classified as 'land transport infrastructure' and therefore captured by TRAN-R1 and TRAN-R3. I consider the insertion of a new rule for 'Public Transport Facilities' to be unnecessary given the TRAN chapter managed this activity across all zones. I recommend these submission points be rejected.

<sup>108</sup> Orion DPR-0367.141, DPR-0367.142, DPR-0367.143, DPR-0367.145, DPR-0367.157, DPR-0367.158, DPR-0367.159, DPR-0367.160, DPR-0367.167, DPR-0367.168, DPR-0367.169, DPR-0367.171, DPR-0367.177, DPR-0367.178, DPR-0367.179, DPR-0367.180

<sup>109</sup> RIDL DPR-0384.399 and RIHL DPR-0374.366

<sup>110</sup> RIDL DPR-0384.399 and RIHL DPR-0374.366

- 11.126 Woolworths<sup>111</sup> consider supermarkets of up to 450m<sup>2</sup> should be permitted in a NCZ. A 'supermarket' is a subset of a 'retail activity' which is a subset of a 'commercial activity', therefore the activity of using any building, up to 450m<sup>2</sup> in area, as a supermarket would be permitted under NCZ-R5 as a 'commercial activity' not otherwise listed. The rules as notified would also consider the establishment of a new building with an area of less than 450m<sup>2</sup> be permitted under NCZ-R1 so long as the development complies with the relevant Rule Requirements. I recommend this submission point be rejected as supermarkets of up to 450m<sup>2</sup> are already permitted in the NCZ.
- 11.127 Foodstuffs<sup>112</sup> has sought amendments be made across the CMUZ to specifically provide for supermarkets. I consider that the objectives and policies as notified, whilst not expressly mentioning supermarkets, do generally enable the development of commercial activities in the 'Commercial and Mixed Use Zones'. In terms of the rules, supermarkets of up to 450m<sup>2</sup> are permitted in NCZ, permitted or RDIS in LCZ (depending on the scale) and the PDP as notified lists supermarkets as a NC activity in the LFRZ. In a TCZ supermarkets are permitted, however, depending on size and location of the supermarket a resource consent may be required for the building itself. In light of the submissions and additional evidence presented by the submitter at the SD hearing, the provisions relating to supermarkets specifically have been reassessed. I agree with the conclusions reached by Mr. Foy in his economic evidence that PDP provisions should be amended to ensure the demand for supermarkets in the future in the district can be met. As discussed in the earlier section of this report, in relation to retail activities, I do not consider additional objectives or policies are required which expressly relate to supermarkets and considering the recommended changes to the 'Retail Activities' in the LFRZ as discussed previously in this report, I do not consider additional rules to enable supermarkets are required elsewhere in the CMUZ. The amendments to the LFRZ-Overview and LFRZ-R6 will indicate to plan users looking for a method to establish a supermarket in the district that applying for a private plan change to rezone an area to LFRZ is the appropriate zone to do so, where the option to further expand the TCZ in that township is not possible. I do not consider additional rules are required in the CMUZ to specifically manage supermarkets. I recommend these submission points be rejected.
- 11.128 RVA and Ryman<sup>113</sup> consider there is a lack of provision for retirement villages in the TCZ, LCZ and NCZ and seek an additional provision to specifically enable them in Zone. I do not consider new rules are necessary to enable retirement villages. The intention of the CMUZ rules is to allow the development of residential units, above ground floor level, subject to certain standards, with a RDIS status, thus allowing the amenity of future residents to be considered, whilst also ensuring that commercial activities are dominant at street level and not subject to reverse sensitivity effects from residents living within these commercial areas. Retirement Villages tend to occupy large areas of land and are predominantly residential in nature, so I consider they would be more appropriate in a RESZ. I recommend these submission points be rejected.

### ***Recommendation***

- 11.129 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 11.130 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

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<sup>111</sup> Woolworths DPR-0396.006

<sup>112</sup> Foodstuffs DPR-0373.003 and DPR-0376.006

<sup>113</sup> RVA DPR-0424.035, DPR-0424.036, DPR-0424.037 and Ryman DPR-0425.035, DPR-0425.036 and DPR-0425.037

## 12 Rule Requirements

### *Servicing*

#### *Submissions*

12.108 Three submission points were received in relation to the Rule Requirements for ‘Servicing’.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0145	Dean Williams, Bunnings Group Limited	008	LFRZ-REQ1	Support	Retain as notified.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	390	LFRZ-REQ1	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)	423	LFRZ-REQ1	Support In Part	Amend provision to note that any corresponding applications shall not require public or limited notification.

#### *Analysis*

12.109 RIDL and RIHL<sup>114</sup> support LFRZ-REQ1 in part but seek to have the provision be ‘non-notifiable’. This issue of non-notification clauses was discussed in detail in section 8 of this report. For the same reasoning I recommend that these submission points be rejected.

12.110 Bunnings<sup>115</sup> supports LFRZ-REQ1 as notified, I recommend this submission point be accepted.

#### *Recommendation*

12.111 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

12.112 It is recommended that submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### *Height*

#### *Submissions*

12.113 34 submission points, including 23 further submissions, were received in relation to the CMUZ Rule Requirements for Height.

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<sup>114</sup> RIDL DPR-0384.423 and RIHL DPR-0374.390

<sup>115</sup> Bunnings DPR-0145.008

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0414	Kāinga Ora - Homes & Communities	409	NCZ-REQ2	Support	Retain as notified
DPR-0209	Manmeet Singh	FS020	NCZ-REQ2	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS292	NCZ-REQ2	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS366	NCZ-REQ2	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS332	NCZ-REQ2	Oppose In Part	Reject the submission points in part.
DPR-0351	Next Level Developments Ltd - Shane Kennedy	003	NCZ-REQ2	Neither Support Nor Oppose	Amend as follows: 1. The maximum height of any building or structure shall be <del>8m</del> <u>10m</u> ....
DPR-0396	Woolworths New Zealand Limited	FS007	NCZ-REQ2	Support	Allow in full
DPR-0535	Sue Hobby	FS003	NCZ-REQ2	Oppose In Part	Do not allow buildings with a max height of 10 metres in NCZ-REQ2 Height
DPR-0572	Cooke Family Trust	FS003	NCZ-REQ2	Oppose	Do not allow buildings with a maximum height of 10 metres in NCZ-REQ2 Height
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	022	TCZ-REQ2	Oppose	Amend TCZ-REQ2.1 to provide for a maximum building height of 15m
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. ...
DPR-0209	Manmeet Singh	FS028	TCZ-REQ2	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS299	TCZ-REQ2	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS378	TCZ-REQ2	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS345	TCZ-REQ2	Oppose In Part	Reject the submission points in part.
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



Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					restricted to the following matters: a. CMUZ-MAT54 Height in Relation to Boundary
DPR-0209	Manmeet Singh	FS029	TCZ-REQ2	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS300	TCZ-REQ2	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS379	TCZ-REQ2	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS346	TCZ-REQ2	Oppose In Part	Reject the submission points in part.
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. ...
DPR-0209	Manmeet Singh	FS030	TCZ-REQ2	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS301	TCZ-REQ2	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS380	TCZ-REQ2	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS347	TCZ-REQ2	Oppose In Part	Reject the submission points in part.
DPR-0442	Castle Hill Community Association Inc.	011	LCZ-REQ2	Support In Part	Retain LCZ-REQ2.1 as notified
DPR-0414	Kāinga Ora - Homes & Communities	414	LCZ-REQ2	Oppose	Amend as follows: 1. The maximum height of any building shall be <del>10</del> 12m. ...
DPR-0209	Manmeet Singh	FS582	LCZ-REQ2	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS1055	LCZ-REQ2	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS371	LCZ-REQ2	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS337	LCZ-REQ2	Oppose In Part	Reject the submission points in part.
DPR-0442	Castle Hill Community Association Inc.	018	LCZ-REQ2	Oppose In Part	Amend LCZ-REQ2.2 as follows: 2. The maximum height of any structure that is not a building shall be <del>25m</del> 20m.
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.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
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>116</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>117</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>118</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 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>119</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 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.
- 12.117 Kainga Ora<sup>120</sup> also seek to increase the maximum height limit in the LCZ from 10m to 12m. Although I supported the submitters request to increase height limits in the NCZ and parts of the TCZ, I am hesitant to do so in the LCZ, as many of the LCZ sites are located outside of 'urban' areas and will not be subject to the MDRS. I consider that the original 10m height limit proposed in the LCZ should be retained. I recommend this submission point be rejected.

<sup>116</sup> Next Level DPR-0351.003

<sup>117</sup> Kainga Ora DPR-0414.009

<sup>118</sup> Foodstuffs DPR-0373.022

<sup>119</sup> Kainga Ora DPR-0414.

<sup>120</sup> Kainga Ora DPR-0414.414

12.118 Castle Hill Community Association support LCZ-REQ2.1<sup>121</sup>, however, they seek an amendment to LCZ-REQ2.2<sup>122</sup> to lower maximum structure height, there is no specific reasoning as to why the submitter seeks a reduction in the maximum height for structures. To retain consistency across the district's LCZ I recommend that the 25m maximum structure height is retained. I recommend these submission points be accepted in part.

12.119 RIHL and RIDL<sup>123</sup> support LFRZ-REQ2 in part however, the submitter does not consider there is a need to notify a breach of height limit. I do not consider that removing the notification requirement for a breach in height limit is appropriate, given that there is no 'upper limit' on how high a building may go, beyond the HRTB requirements that don't necessarily apply along all boundaries in the Zone. Given the potential visual impacts and possible impact on important infrastructure, that the ability to notify an application must be retained. I recommend these submission points be rejected.

### ***Recommendation***

12.120 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

- a. Increase height limit in NCZ as demonstrated in **Appendix 2** to align with the RMA amendments.
- b. Increase height limit in PREC2 of the TCZ as demonstrated in **Appendix 2** to align with the RMA amendments.

12.121 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***Height in Relation to Boundary***

### ***Submissions***

12.122 30 submission points, including 17 further submissions, were received in relation to the CMUZ Rule Requirements for Height in Relation to Boundary.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0126	Foster Commercial	012	TCZ-REQ3	Neither Support Nor Oppose	Amend the height in relation to boundary requirement in Commercial and Mixed Use zones such that it does not apply to internal boundaries other than where these adjoin a Residential zone.
DPR-0358	Rolleston West Residential Limited (RWRL)	FS236	TCZ-REQ3	Support	Adopt.

<sup>121</sup> Castle Hill Community Association DPR-0422.011

<sup>122</sup> Castle Hill Community Association DPR-0422.018

<sup>123</sup> RIDL DPR-0384.424 and RIHL DPR-0374.391

DPR-0363	<i>Ipport Rolleston Holdings Limited (IRHL)</i>	FS236	TCZ-REQ3	Support	Adopt.
DPR-0374	<i>Rolleston Industrial Holdings Limited (RIHL)</i>	FS236	TCZ-REQ3	Support	Adopt.
DPR-0384	<i>Rolleston Industrial Developments Limited (RIDL)</i>	FS236	TCZ-REQ3	Support	Adopt.
DPR-0126	Foster Commercial	016	NCZ-REQ3	Neither Support Nor Oppose	Amend to clarify which clause of the APP3 Height in Relation to Boundary applies to this provision.
DPR-0126	Foster Commercial	017	LCZ-REQ3	Neither Support Nor Oppose	Amend to clarify which clause of the APP3 Height in Relation to Boundary applies to this provision.
DPR-0126	Foster Commercial	018	LFRZ-REQ3	Neither Support Nor Oppose	Amend to clarify which clause of the APP3 Height in Relation to Boundary applies to this provision.
DPR-0126	Foster Commercial	019	TCZ-REQ3	Neither Support Nor Oppose	Amend to clarify which clause of the APP3 Height in Relation to Boundary applies to this provision.
DPR-0126	Foster Commercial	023	NCZ-REQ3	Neither Support Nor Oppose	Amend the height in relation to boundary requirement in Commercial and Mixed Use zones such that it does not apply to internal boundaries other than where these adjoin a Residential zone.
DPR-0126	Foster Commercial	024	LFRZ-REQ3	Neither Support Nor Oppose	Amend the height in relation to boundary requirement in Commercial and Mixed Use zones such that it does not apply to internal boundaries other than where these adjoin a Residential zone.
DPR-0384	<i>Rolleston Industrial Developments Limited (RIDL)</i>	FS311	LFRZ-REQ3	Support	Adopt
DPR-0126	Foster Commercial	025	LCZ-REQ3	Neither Support Nor Oppose	Amend the height in relation to boundary requirement in Commercial and Mixed Use zones such that it does not apply to internal boundaries other than where these adjoin a Residential zone.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	392	LFRZ-REQ3	Oppose	Delete as notified

DPR-0384	Rolleston Industrial Developments Limited (RIDL)	425	LFRZ-REQ3	Oppose	Delete as notified
DPR-0414	Kāinga Ora - Homes & Communities	410	NCZ-REQ3	Oppose	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.
DPR-0209	Manmeet Singh	FS021	NCZ-REQ3	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS293	NCZ-REQ3	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS367	NCZ-REQ3	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS333	NCZ-REQ3	Oppose In Part	Reject the submission points in part.
DPR-0414	Kāinga Ora - Homes & Communities	415	LCZ-REQ3	Oppose	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.
DPR-0209	Manmeet Singh	FS714	LCZ-REQ3	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS1056	LCZ-REQ3	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS372	LCZ-REQ3	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS338	LCZ-REQ3	Oppose In Part	Reject the submission points in part.

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.
DPR-0209	Manmeet Singh	FS031	TCZ-REQ3	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS302	TCZ-REQ3	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS381	TCZ-REQ3	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS348	TCZ-REQ3	Oppose In Part	Reject the submission points in part.

### Analysis

12.123 Foster Commercial<sup>124</sup> seeks the TCZ, LCZ, NCZ and LFRZ be amended to clarify which clause of the APP3 Height in Relation to Boundary applies to this provision. On review, Height in relation to boundary 'A' applies to '... all buildings and structures within all other zones where the site adjoins any Residential zone, or the General Rural Zone shall be determined using the indicator and shall be measured from a point 2.5m vertically above the reference point'. Height in relation to boundary 'C' applies to all internal boundaries with any CMUZ, where the site does not adjoin Residential. This is not implicitly stated in TCZ-REQ3, LCZ-REQ3, NCZ-REQ3 nor LFRZ-REQ3, however, it is clearly stated in APP3. The decision to refer to APP3 in the REQs was because the applicable provisions may vary depending on the location of the site and the site may adjoin different zones on different boundaries, which would result in HRTB being measured differently along each boundary. I disagree with the submitter that confirmation in TCZ-REQ3, LCZ-REQ3, NCZ-REQ3, LFRZ-REQ3 would make it clearer for Plan Users to determine how to measure HRTB. I recommend these submission points be rejected.

12.124 Foster Commercial<sup>125</sup> also seeks to amend TCZ-REQ3, LCZ-REQ3, NCZ-REQ3 and LFRZ-REQ3 such that HRTB does not apply to internal boundaries other than where these adjoin a Residential zone. The HRTB requirements currently apply to internal boundaries within the CMUZ, as stated in Height in relation to boundary 'C'. The requirements are used as an alternative to setbacks in the

<sup>124</sup> Foster Commercial DPR-0126.012, DPR-0126.023, DPR-0126.024 and DPR-0126.025

<sup>125</sup> Foster Commercial DPR-0126.016, DPR-0126.017, DPR-0126.018 and DPR-0126.019

CMUZ. This is to ensure that the following matters can be assessed before a resource consent is granted for a breach in the requirement.

- Any adverse effects of shading on any adjoining property owner, or on any road or footpath during winter.
- Effects on amenity of adjoining properties, including on outlook and visual dominance.
- The height, design, and location of the building.
- The sensitivity of any adjoining zone to overshadowing and dominance.
- Whether any landscaping or trees are proposed which will assist in mitigating adverse visual effects.
- The temporal nature of any exceedance.
- Whether the intrusion is necessary due to the functional requirements of an activity.

I recommend these submission points be rejected so that the above can be assessed should a breach occur.

- 12.125 RIHL and RIDL<sup>126</sup> seek LFRZ-REQ3 is deleted. The submitters consider that this provision is unnecessary and inappropriate, as height in relation to boundary does not apply to the internal boundary of sites within the GLZ, which surrounds the LFRZ zone, there are no sensitive sites or land uses in the vicinity of the LFRZ and the nature of large format retail development is such that large and or high buildings developed adjacent to site boundaries are an anticipated outcome. , The LFRZ is intended to be more Commercial in nature and the amenity for pedestrians is more closely managed than in an Industrial Zone. I consider LFRZ-REQ3 should be retained, and I recommend these submission points be rejected.
- 12.126 Kainga Ora<sup>127</sup> seeks to delete TCZ-REQ3, LCZ-REQ3 and NCZ-REQ3 until such a time that a full review of the provision is undertaken, and a new series of rules is introduced in relation to:
- a general building setback at upper levels;
  - a height in relation to boundary adjoining open space or residential zones control; and
  - 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.
- 12.127 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 recommend these submission points be rejected.

### ***Recommendation***

12.128 I recommend, for the reasons given above, that the Hearings Panel retain the provisions as notified.

12.129 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### ***Setbacks***

#### ***Submissions***

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<sup>126</sup> RIDL DPR-0384.425 and RIHL DPR-0374.392

<sup>127</sup> Kainga Ora DPR-0414.424, DPR-0414.415 and DPR-0414.410

- 12.130 Six submission points, including one further submission, were received in relation to the CMUZ Rule Requirements for Setbacks.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	393	LFRZ-REQ4	Oppose In Part	Amend as follows: 1. Any building shall be setback a minimum of <u>5m</u> <del>10m</del> from the road boundary, <u>except where 40% or more of the road facing ground-floor façade of the building is glazed.</u>
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	394	LFRZ-REQ4	Oppose In Part	Amend provision to note that any corresponding applications shall not require public or limited notification.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	426	LFRZ-REQ4	Oppose In Part	Amend provision to note that any corresponding applications shall not require public or limited notification.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	427	LFRZ-REQ4	Oppose In Part	Amend as follows: 1. Any building shall be setback a minimum of <u>5m</u> <del>10m</del> from the road boundary, <u>except where 40% or more of the road facing ground-floor façade of the building is glazed.</u>
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	056	TCZ-REQ4	Support In Part	Amend to require a 5m setback where the internal boundary of the site is with the rail corridor.
DPR-0414	Kāinga Ora - Homes & Communities	FS090	TCZ-REQ4	Oppose	Not specified

### Analysis

- 12.131 RIHL and RIDL<sup>128</sup> seek amendment to LFRZ-REQ4 requiring a reduced road boundary setback of 5m, as opposed to 10m, with no setback being required where active frontage is provided. The 10m road boundary setback was ‘rolled over’ from the Operative Plan when the LFRZ was Industrial land subject to 10m landscaping buffers, the 10m landscaping buffers were required when the industrial areas in Rolleston were being converted from Rural land, however, due to the maintenance issues and watering requirements, the preference is to reduce these setbacks where appropriate. The reduced road boundary setbacks would also encourage car parking behind buildings, which is encouraged in other Commercial Zones. I recommend these submission points are accepted.
- 12.132 RIDL and RIHL<sup>129</sup> also raise the issue of non-notification clauses in relation to LFRZ-REQ4, which was discussed in detail in section 8 of this report. Based on reasons discussed in that section of this report, I recommend that these submission points be rejected.

<sup>128</sup> RIHL DPR-0374.393 and RIDL DPR-0384.427

<sup>129</sup> RIDL DPR-0384.426 and RIHL DPR-0374.394



- 12.133 KiwiRail<sup>130</sup> seek to include a 5m setback where the internal boundary of the site in the TCZ is within the rail corridor. The submitter considers the setback will ensure all structures are able to be constructed and maintained without requiring entry into the rail corridor, which will help to ensure that the rail network can operate in a safe and efficient manner. The PDP as notified contains limited minimum building setbacks in the TCZ and the HRTB may not be triggered depending on the height of a building, so theoretically a building could be erected on the boundary. On the basis that the erection of a building adjacent to the rail corridor could create issues with maintenance, I recommend this submission point be accepted.

### **Recommendation**

- 12.134 I recommend, for the reasons given above, that the Hearings Panel:

- a. Amend the LFRZ-REQ4 as shown in **Appendix 2** to reduce road boundary setback in the LFRZ.
- b. Amend the TCZ-REQ4 as shown in **Appendix 2** to require a 5m setback from the rail corridor.

It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### **Fencing and Outdoor Storage Areas**

#### **Submissions**

- 12.135 12 submission points, including four further submissions, were received in relation to the Rule Requirements for Fencing and Outdoor Storage Areas.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0145	Dean Williams, Bunnings Group Limited	009	LFRZ-REQ5	Support	Retain as notified.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	395	LFRZ-REQ5	Support In Part	Amend the rule to specify that non-compliance requires consent as a RDIS, rather than DIS activity, with corresponding assessment matters.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	396	LFRZ-REQ5	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)	428	LFRZ-REQ5	Support In Part	Amend the rule to specify that non-compliance requires consent as a RDIS, rather than DIS activity, with corresponding assessment matters.

<sup>130</sup> KiwiRail DPR-0458.056

DPR-0384	Rolleston Industrial Developments Limited (RIDL)	429	LFRZ-REQ5	Support In Part	Amend provision to note that any corresponding applications shall not require public or limited notification.
DPR-0396	Woolworths New Zealand Limited	019	LFRZ-REQ5	Oppose	Amend as follows: 5. When compliance with any of LFRZ-REQ5.1. or LFRZ-REQ5.2. is not achieved: <del>DIS</del> RDIS
DPR-0358	Rolleston West Residential Limited (RWRL)	FS238	LFRZ-REQ5	Support	Adopt.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	FS238	LFRZ-REQ5	Support	Adopt.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	FS238	LFRZ-REQ5	Support	Adopt.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS238	LFRZ-REQ5	Support	Adopt.
DPR-0396	Woolworths New Zealand Limited	007	NCZ-REQ4	Oppose	Amend activity status when compliance is not achieved to RDIS
DPR-0396	Woolworths New Zealand Limited	014	LCZ-REQ5	Oppose	Amend as follows: 5. When compliance with any of LCZ-REQ5.1., LCZ-REQ5.2., LCZ-REQ5.3., or LCZ-REQ5.4. not achieved: <del>DIS</del> RDIS

### Analysis

12.136 RIHL, RIDL and Woolworths<sup>131</sup> seek a change in activity status for LFRZ-REQ5 from DIS to RDIS where the rule requirement for outdoor storage is breached. The submitters consider an assessment of this infringement could be reasonably carried out using the existing or an additional matter for discretion. Given the wide variety of items that could potentially be stored, especially within an industrial zone, I consider that the DIS status is appropriate. I recommend these submission points be rejected.

12.137 Bunnings<sup>132</sup> sought LFRZ-REQ5 be retained as notified. I recommend this submission point be accepted in part, based on the recommended changes outlined above.

**12.138** Woolworths<sup>133</sup> seek a change in activity status for LCZ-REQ5 and NCZ-REQ4 from DIS to RDIS where the rule requirement for outdoor storage is breached. The submitters consider an assessment of this infringement could be reasonably carried out using the existing or an additional matter for discretion. Given the wide variety of items that could potentially be stored, especially within an industrial zone, I consider that the DIS status is appropriate. I recommend these submission points be rejected.

<sup>131</sup> RIHL DPR-0374.395, DPR-0374.396, RIDL DPR-0384.428, DPR-0384.429 and Woolworths DPR-0396.007

<sup>132</sup> Bunnings DPR-0145.009

<sup>133</sup> Woolworths DPR-0396.014 and DPR-0396.019

### ***Recommendation and amendments***

12.139 I recommend, for the reasons given above, that the Hearings Panel retain the provisions as notified.

12.140 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### ***Landscaping***

#### ***Submissions***

12.141 13 submission points, including four further submissions, were received in relation to the Rule Requirements for Landscaping.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0204	JP Singh	046	TCZ-REQ7	Oppose	Amend to exempt properties on the east side of Tennyson Street adjoining PREC3
DPR-0386	Rolleston Square Limited	006	TCZ-REQ7	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	397	LFRZ-REQ6	Support In Part	Amend the provision to specify that non-compliance requires consent as a RDIS, rather than DIS activity, with corresponding assessment matters.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	398	LFRZ-REQ6	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)	430	LFRZ-REQ6	Support In Part	Amend the provision to specify that non-compliance requires consent as a RDIS, rather than DIS activity, with corresponding assessment matters.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	431	LFRZ-REQ6	Support In Part	Amend provision to note that any corresponding applications shall not require public or limited notification.
DPR-0396	Woolworths New Zealand Limited	020	LFRZ-REQ6	Oppose	Amend as follows: 8. When compliance with any of LFRZ-REQ6 is not achieved: <del>DIS</del> <u>RDIS</u>
<i>DPR-0358</i>	<i>Rolleston West Residential Limited (RWRL)</i>	<i>FS239</i>	<i>LFRZ-REQ6</i>	<i>Support</i>	<i>Adopt.</i>
<i>DPR-0363</i>	<i>Iport Rolleston Holdings Limited (IRHL)</i>	<i>FS239</i>	<i>LFRZ-REQ6</i>	<i>Support</i>	<i>Adopt.</i>
<i>DPR-0374</i>	<i>Rolleston Industrial Holdings Limited (RIHL)</i>	<i>FS239</i>	<i>LFRZ-REQ6</i>	<i>Support</i>	<i>Adopt.</i>

DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS239	LFRZ-REQ6	Support	Adopt.
DPR-0396	Woolworths New Zealand Limited	008	NCZ-REQ5	Oppose	Amend as follows: 2. When compliance with any of NCZ-REQ5.1 is not achieved: <del>DIS</del> RDIS
DPR-0396	Woolworths New Zealand Limited	015	LCZ-REQ6	Oppose	Amend as follows: 2. When compliance with any of LCZ-REQ6.1. is not achieved: <del>DIS</del> RDIS

### Analysis

12.142 JP Singh<sup>134</sup> seeks an amendment to remove the Requirement for properties in PREC2 of the TCZ where they adjoin PREC3. I consider removing the landscaping requirement would be inappropriate as the landscaping requirements in the TCZ aim to provide an interface between the TCZ and any adjoining residential. I recommend this submission point be rejected.

12.143 Rolleston Square<sup>135</sup> sought the TCZ-REQ7 be retained as notified. I recommend this submission point is accepted.

12.144 RIDL, RIHL and Woolworths<sup>136</sup> seek to amend the activity status for a non-compliance with LFRZ-REQ6 from DIS to RDIS. I consider this would be appropriate so long as Council maintains discretion to consider the following: mitigation measures and the impacts on amenity values and streetscape where applicable. I recommend these submission points be accepted. Woolworths<sup>137</sup> also seeks the same relief for NCZ-REQ5 and LCZ-REQ6. I recommend these submission points be accepted.

### Recommendation

12.145 I recommend, for the reasons given above, that the Hearings Panel:

- Amend LCZ-REQ6 as shown in **Appendix 2** to amend the activity status for a breach of the REQ.
- Amend NCZ-REQ5 as shown in **Appendix 2** to amend the activity status for a breach of the REQ.
- Amend LFRZ-REQ6 as shown in **Appendix 2** to amend the activity status for a breach of the REQ.
- Insert new CMUZ-MAT as shown in **Appendix 2** to list matters to which Council may restrict their discretion in relation to landscaping.

12.146 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

<sup>134</sup> JP Singh DPR-0204.046

<sup>135</sup> Rolleston Square DPR-0386.006

<sup>136</sup> RIDL DPR-0384.430, DPR-0384.431, RIHL DPR-0374.397, DPR-0374.398 and Woolworths DPR-0396.020

<sup>137</sup> Woolworths DPR-0396.008 and DPR-0396.015

## Active Frontage

### Submissions

12.147 11 submission points, including three further submissions, were received in relation to the Rule Requirements for Active Frontage.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0126	Foster Commercial	010	NCZ-REQ6	Oppose	Delete as notified
DPR-0386	Rolleston Square Limited	FS004	NCZ-REQ6	Oppose In Part	Rolleston Square seeks that: - the obscuring of transparent glazing by painting or attaching signage to a window should be regulated by way of SIGNREQ2 and SIGN-TABLE1 (as amended by submission DPR0386#003), and NCZ-REQ6. - the Council clarify that the requirements in SIGNREQ2/SIGN-TABLE1 and NCZ-REQ6 do not apply in relation to signage inside (but not on) windows.
DPR-0204	JP Singh	047	TCZ-REQ8	Oppose	Amend as follows: 1. In relation to new developments: ... <del>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.</del> <del>3. Transparent glazing may not be obscured by being boarded up, painted, or covered by signage or obscured by other means.</del>
DPR-0386	Rolleston Square Limited	FS005	TCZ-REQ8	Oppose In Part	Rolleston Square seeks that: - the obscuring of transparent glazing by painting or attaching signage to a window should be regulated by way of SIGNREQ2 and SIGN-TABLE1 (as amended by submission DPR0386#003), and NCZ-REQ6. - the Council clarify that the requirements in SIGNREQ2/SIGN-TABLE1 and NCZ-REQ6 do not apply in relation to signage inside (but not on) windows.
DPR-0204	JP Singh	048	TCZ-REQ8	Oppose	Amend as follows: 4. Activity status when compliance with any of TCZ-REQ8. is not achieved: <del>DISRDIS</del>

DPR-0323	Investore Property Limited	008	TCZ-REQ8	Oppose	Amend as follows: 1. In relation to new developments <del>(other than supermarkets)</del> : ... 2. In relation to existing developments <del>(other than supermarkets)</del> : ...
DPR-0396	Woolworths New Zealand Limited	FS002	TCZ-REQ8	Support	Allow in full
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	012	TCZ-REQ8	Oppose	Amend TCZ-REQ8.1 and TCZ-REQ8.2 to provide an exemption to supermarket from the active frontage requirements. Alternatively, amend the rule framework to make non-compliance with these rules to have a restricted discretionary status.
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	026	LCZ-REQ7	Oppose	Amend LCZ-REQ7.1 and TCZ-REQ7.2 to provide an exemption to supermarket from the active frontage requirements. Alternatively, amend the rule framework to make non-compliance with these rules to have a restricted discretionary status.
DPR-0396	Woolworths New Zealand Limited	009	NCZ-REQ6	Oppose	Amend as follows: 2. When compliance with any of NCZ-REQ6.1., NCZ-REQ6.2., or NCZ-REQ6.3. is not achieved: <del>DIS</del> <u>SRDIS</u>
DPR-0396	Woolworths New Zealand Limited	016	LCZ-REQ7	Oppose	Amend as follows: 4. When compliance with any of LCZ-REQ7.1., LCZ-REQ7.2., or LCZ-REQ7.3. is not achieved: <del>DIS</del> <u>SRDIS</u>

### Analysis

**12.148** Foster Commercial<sup>138</sup> considers that the requirements regarding glazing are unnecessary and overly complicated and that it is unnecessary to prohibit signage, painting etc. of frontage windows as this is a common form of advertising. I agree with Ms Wolfer's evidence, where she considers 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. Active frontage can only be achieved if glazing is transparent, unobstructed, and free of advertisements. I do not consider deleting NCZ-REQ6 to be appropriate and recommend this submission point be rejected.

<sup>138</sup> Foster Commercial DPR-0126.010

**12.149** JP Singh<sup>139</sup> seeks to delete the requirement for Active Frontage as it pertains to existing developments. The submitter considers TCZ-REQ8.2 and TCZ-REQ8.3 apply to buildings with existing transparent glazing throughout the Town Centre zone and are overly restrictive, with limited benefit to amenity, and are not consistent with requirements for new developments. The submitter also considers that costs of obtaining a resource consent to remove or obscure a window in an existing building are likely to outweigh the positive impacts these controls may have on amenity, particularly for windows that do not directly face roads. I agree with Ms. Wolfer's assessment in her evidence, that there is a need to retain the provisions as they relate to existing developments, to ensure any existing Active Frontage at the time the building was erected, is retained should a tenancy change. However, amendments to the way in which the requirement would 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. I recommend this submission point be accepted in part, as some amendments should be made to the provision to mitigate some of the concerns of the submitter.

**12.150** JP Singh<sup>140</sup> also considers that RDIS is a more suitable activity status where compliance with TCZ-REQ8 is not achieved, as Council's discretion is likely limited to an identifiable and relatively narrow range of matters. Woolworths<sup>141</sup> seeks the same relief in relation to LCZ-REQ7 and NCZ-REQ6. On review of both the provisions and the evidence of Ms. Wolfer, I consider an RDIS status, where the matters of discretion are limited to specific matters would not be appropriate as this would not sufficiently enable for individual circumstances or context to be assessed. I recommend these submission points be rejected.

**12.151** Investore<sup>142</sup> seeks for supermarkets to be exempt from the active frontage provisions in the TCZ. Foodstuffs<sup>143</sup> seeks similar relief in the TCZ and the LCZ. The submitters consider that the requirements for glazing for new and existing developments to be incompatible with functional and operational requirements of supermarkets. I, like Ms. Wolfer in her evidence, appreciate that supermarkets to have operational matters unique to them, but agree that these matters can be addressed within an appropriate design, as demonstrated in the examples provided by Ms. Wolfer. The purpose of active frontage to provide safety and amenity in areas frequently by pedestrians. I consider an exemption for supermarkets is not appropriate and recommend these submissions be rejected.

### ***Recommendation***

**12.152** I recommend, for the reasons given above, that the Hearings Panel:

- e) Amend TCZ-REQ8 as shown in **Appendix 2** to alter the standards for Active Frontage relating to new development, existing developments and the conversion of dwellings for commercial purposes.

**12.153** It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 1.

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<sup>139</sup> JP Singh DPR-0204.047

<sup>140</sup> JP Singh DPR-0204.048

<sup>141</sup> Woolworths DPR-0396.009 and DPR-0396.016

<sup>142</sup> Investore DPR-0323.008

<sup>143</sup> Foodstuffs DPR-0373.012 and DPR-0373.026

## Alpine Design

### Submissions

- 12.154 Six submission points, including two further submissions, were received in relation to the Rule Requirements for Alpine Design.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0442	Castle Hill Community Association Inc.	007	LCZ-REQ8	Support	Retain LCZ-REQ8.1.a as notified.
DPR-0442	Castle Hill Community Association Inc.	009	LCZ-REQ8	Support	Retain LCZ-REQ8.1.b as notified
DPR-0442	Castle Hill Community Association Inc.	012	LCZ-REQ8	Support In Part	Amend as follows: .... c. comprise of at least 80% wall cladding (by area excluding glazing) that consists of: i. .... <del>iv. coloured corrugated metal sheeting;</del> ....
DPR-0391	Castle Hill Adventure Tours Limited	FS013	LCZ-REQ8	Support	Retain the existing rules relating to the percentage of cladding that can be other than timber and stone.
DPR-0442	Castle Hill Community Association Inc.	015	LCZ-REQ8	Oppose In Part	Amend to clarify that LCZ-REQ8.1.d applies to all external surfaces except windows.
DPR-0391	Castle Hill Adventure Tours Limited	FS011	LCZ-REQ8	Support	Clarify the rule to cover all exterior pipework, chimney flues and heat pumps

### Analysis

- 12.155 Castle Hill Community Association<sup>144</sup> generally supports LCZ-REQ8, however they seek some amendments to improve clarity. The submitter seeks that the use of coloured corrugated metal sheeting be restricted in Castle Hill to retain the character of the township by restricting the types of materials used in construction. I recommend these submission points be rejected as this material is widely used in Castle Hill and corrugated iron is a commonly used material in commercial centres. I recommend this submission point be rejected. The submitter also seeks an amendment to clause 1.d. to clarify that it does not apply to windows, however I consider it is intended to apply to windows, the intention is not to enable highly reflective coating to be applied to glazing, therefore I recommend this submission point be rejected.

### Recommendation

- 12.156 I recommend, for the reasons given above, that the Hearings Panel retain this provision as notified.

<sup>144</sup> Castle Hill Community Association DPR-0442.007, DPR-0442.009, DPR-0442.012 and DPR-0442.015



12.157 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### ***Location of Carparking***

#### ***Submissions***

12.158 8 submission points, including 2 further submissions, were received in relation to the Rule Requirement for the Location of Car parking.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0126	Foster Commercial	011	NCZ-REQ7	Oppose	Delete as notified
DPR-0396	Woolworths New Zealand Limited	010	NCZ-REQ7	Oppose	Amend as follows: 2. When compliance with any of NCZ-REQ7.1. is not achieved: <del>DISRDIS</del>
DPR-0396	Woolworths New Zealand Limited	017	LCZ-REQ9	Oppose	Amend as follows: 2. When compliance with any of LCZ-REQ9.1. is not achieved: <del>DISRDIS</del>
DPR-0323	Investore Property Limited	010	TCZ-REQ9	Oppose	Amend as follows: <u>Except at supermarkets, no</u> car parking or vehicular access is provided between the 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).
DPR-0386	Rolleston Square Limited	FS002	TCZ-REQ9	Support	<i>Rolleston Square seeks that the submission point be allowed in full.</i>
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	013	TCZ-REQ9	Oppose	Amend TCZ-REQ9.1 to provide an exemption to supermarkets from the car park location provisions. Alternatively, amend the rule framework to make non-compliance with the rule framework to make non-compliance with these rules to have a restricted discretionary status.
DPR-0386	Rolleston Square Limited	FS003	TCZ-REQ9	Support	<i>Rolleston Square seeks that the submission point be allowed in full.</i>
DPR-0386	Rolleston Square Limited	007	TCZ-REQ9	Oppose In Part	Amend as follows: 2. When compliance with any of TCZ-REQ9 is not achieved: <del>DISRDIS</del> and limit matters of discretion to the effects arising from locating carparks in the front of buildings.

#### ***Analysis***

- 12.159 Foster Commercial<sup>145</sup> opposed NCZ-REQ7 and seeks it be deleted in its entirety. The submitter considers that the wording as notified would effectively prevent any car parking on the South Point site (the submitter's NCZ site located in Faringdon submission, Rolleston) and, on other sites, it would require parking at the rear which creates numerous safety, access, servicing and circulation issues. Ms. Wolfer<sup>146</sup> explains in her Urban Design evidence that the location of car parking is part of the overall site layout. It is interlinked with building placement and achieving an active frontage. Best practise site layout determines a clear 'public front' and 'private back' to create an attractive and safe street scene. For this reason, she, like myself, would not support the deletion of the provisions. There are instances, for example the submitters 'South Point' site, where the site has four road boundaries and would be considered a non-complying activity due to the design of the site. However, I agree with Ms Wolfer that there is an opportunity to amend NCZ-REQ7 to ensure resource consents aren't unnecessarily required and this can be done by a primary frontage being nominated. I recommend this submission point be accepted in part.
- 12.160 Woolworths<sup>147</sup> seeks that any non-compliance with NCZ-REQ7 or LCZ-REQ9 be changed to RDIS from DIS. The submitter considers an assessment of this infringement could be reasonably carried out using CMUZ-MAT3 or an additional matter for discretion. In her evidence, Ms. Wolfer considers, and I agree, that the current provisions as notified appropriately address any possible site constraints, while achieving the fundamental underlying objectives of a best practice site layout in a high amenity commercial environment. Both NCZ-REQ7 and LCZ-REQ9 as notified, provide two options for the location of carparking. Should a non-compliance with the REQ occur then addressing each application in context and having the ability to consider all the potential effects that are relevant and necessary is seen as an appropriate measure to achieve the best possible outcome in a high amenity commercial environment. I do not consider there are a specific set of assessment criteria to which the Council could restrict their discretion and that the DIS activity status should be retained. I recommend these submission points be rejected.
- 12.161 Investore and Woolworths<sup>148</sup> seek to include an exemption for supermarkets from having to comply with the location of carparking requirements. The submitters consider that the requirement for car parking to be placed to the side or the rear to be inconsistent with the operational matters of the supermarket. Supermarkets design their site layout needs to incorporate activity specific operational matters and whilst I accept that these operational matters are important, I agree with Ms. Wolfers assessment that operational matters can be addressed within the design while meeting the requirement of TCZ-REQ9.1. The submitter also considers that a significant percentage of customers opt to use a car when visiting a supermarket. I note that the minimum requirement for car parking was removed as part of the NPS-UD, therefore this discussion is limited to the location of such carparking, not the amount provided. I agree with the submitter that a large percentage of customers will arrive via car and require nearby car parking, which is why TCZ REQ 9.1 does encourage car parking to be provided as part of a site layout that is complementary to the location of the activity -either to the back or the rear. I do not consider it necessary to include an exemption for supermarkets in the TCZ to be exempt from TCZ-REQ9 and therefore, I recommend that these submission points be rejected.

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<sup>145</sup> Foster Commercial DPR-0126.011

<sup>146</sup> Ms. Wolfer Urban Design Evidence Section 11.

<sup>147</sup> Woolworths DPR-0396.010 and DPR-0396.017

<sup>148</sup> Investore DPR-0323.010 and Woolworths DPR-0396.013

12.162 As an alternative Woolworths seeks that any non-compliance with TCZ-REQ9 be changed to RDIS from DIS. Rolleston Square Limited<sup>149</sup> seeks the same relief. As detailed above, should a non-compliance with TCZ-REQ9 occur then addressing each application in context and having the ability to consider all the potential effects that are relevant and necessary is seen as an appropriate measure to achieve the best possible outcome in a high amenity town centre environment. I do not consider there are a specific set of assessment criteria to which the Council could restrict their discretion and that the DIS activity status should be retained. I recommend these submission points be rejected.

### **Recommendation**

12.163 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

- a. Amend NCZ-REQ7 as demonstrated in **Appendix 2** to provide clarity as to which frontages it applies.

12.164 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 13 Matters of Control or Discretion

### **CMUZ-MAT1**

#### **Submissions**

13.108 Nine submission points, including four further submissions, were received in relation to CMUZ-MAT1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	377	Oppose	Amend as follows:  1. <del>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</u> adversely <del>affects-effects on</del> the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.  3. ...
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	349	Oppose	Amend as follows:  1. <del>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</u> adversely <del>affects-effects on</del> the viability and function of

<sup>149</sup> Rolleston Square Limited DPR-0386.007

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.  3. ...
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	355	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 on</u> the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.  3. ...
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	385	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 on</u> the viability and function of the Town Centre Zone, including individual and cumulative adverse distributional and urban form effects.  3. ...
DPR-0414	Kāinga Ora - Homes & Communities	398	Support	Retain as notified
DPR-0209	Manmeet Singh	FS036	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS281	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS355	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS798	Oppose In Part	Reject the submission points in part.

### Analysis

13.109 RIDL, RIHL, IRHL and RWRL<sup>150</sup> oppose CMUZ-MAT1 as notified and seek an amendment to remove the consideration of the economic effect a proposal might have on a TCZ and the ability to consider the extent of such an effect. Given that certain proposal could have more impact on the economic viability of a TCZ than others, I consider the retention of the ability to consider both the economic

<sup>150</sup> RWRL DPR-0358.377, IRHL DPR-0363.349, RIHL DPR-0374.355 and RIDL DPR-0384.385

impact and the extent to which a centre may be adversely affected are appropriate. I recommend these submission points be rejected.

13.110 Kāinga Ora<sup>151</sup> seek CMUZ-MAT1 be retained as notified. I recommend this submission point be accepted.

#### **Recommendation**

13.111 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

13.112 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### **CMUZ-MAT2**

#### **Submissions**

13.113 5 submission points, including 4 further submissions, were received in relation to CMUZ-MAT2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0414	Kāinga Ora - Homes & Communities	399	Oppose	Delete as notified
DPR-0209	Manmeet Singh	FS037	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS282	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS356	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS799	Oppose In Part	Reject the submission points in part.

#### **Analysis**

13.114 Kāinga Ora seeks deletion of CMUZ-MAT2 as a consequence of their wider submission points<sup>152</sup> seeking the release of density in the CMUZ. Density is not specifically limited in the CMUZ, however, given the potential reverse sensitivity effects that could occur with the development of residential alongside commercial I consider CMUZ-MAT2, which deals with Residential Activities in the CMUZ is required. I therefore recommend this submission point be rejected.

#### **Recommendation**

13.115 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

13.116 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

<sup>151</sup> Kāinga Ora DPR-0414.398

<sup>152</sup> Kāinga Ora DPR-0414.399

## CMUZ-MAT3

### Submissions

13.117 Ten submission points, including four further submissions, were received in relation to CMUZ-MAT3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	378	Support In Part	Amend as follows: ... 2. ... <u>Note: CMUZ-MAT3 does not apply to activities in the LFRZ.</u>
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	350	Support In Part	Amend as follows: ... 2. ... <u>Note: CMUZ-MAT3 does not apply to activities in the LFRZ.</u>
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	356	Support In Part	Amend as follows: ... 2. ... <u>Note: CMUZ-MAT3 does not apply to activities in the LFRZ.</u>
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	386	Support In Part	Amend as follows: ... 2. ... <u>Note: CMUZ-MAT3 does not apply to activities in the LFRZ.</u>
DPR-0396	Woolworths New Zealand Limited	012	Support	Retain CMUZ-MAT3.1.d. as notified
DPR-0414	Kāinga Ora - Homes & Communities	400	Support In Part	Amend as follows: 1. The extent to which the development incorporates good urban design principles, including: ... <del>d. Provides a human scale and</del> Minimises building bulk through the provision of articulation and modulation, while having regard to the functional requirements of the activity; ...
DPR-0209	Manmeet Singh	FS038	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS283	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS357	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS800	Oppose In Part	Reject the submission points in part.

### Analysis

13.118 RIDL, RIHL, IRHL and RWRL<sup>153</sup> oppose CMUZ-MAT3 as notified. They consider CMUZ-MAT3 is not applicable in the LFRZ. Although MAT3 is not currently applicable in LFRZ it does not need to be specifically excluded. This is consistent with the approach taken with the rest of the PDP, where such exclusions are not stated. I recommend these submission points be rejected.

13.119 Kāinga Ora<sup>154</sup> seek an amendment to CMUZ-MAT3.1.d. The submitter considers removing reference to 'human scale' would encourage developments at a greater height, that would contribute to making centres a vibrant focal point for communities. I do not consider that retaining the phrase 'human scale' would counteract an increase in building height. I recommend this submission point be rejected. Woolworths<sup>155</sup> seek to retain CMUZ-MAT3.1.d as notified. I recommend this submission point be accepted.

### **Recommendation**

13.120 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

13.121 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **CMUZ-MAT4**

### **Submissions**

13.122 11 submission points, including five further submissions, were received in relation to CMUZ-MAT4.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	046	Oppose	Insert matters of control or discretion to each zone requiring consideration of any reverse sensitivity effects on important infrastructure where the zone height standard is exceeded by more than 2m and do not include any rules on notification in the Proposed Plan that preclude consideration of important infrastructure as affected parties under s95E of the RMA where resource consent to exceed height limits is required.
DPR-0414	Kāinga Ora - Homes & Communities	FS105	Oppose	Not Specified
DPR-0358	Rolleston West Residential Limited (RWRL)	379	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	351	Support	Retain as notified
DPR-0374	Rolleston Industrial	357	Support	Retain as notified

<sup>153</sup> RWRL DPR-0358.378, IRHL DPR-0363.350, RIHL DPR-0374.356 and RIDL DPR-0384.386

<sup>154</sup> Kainga Ora DPR-0414.400

<sup>155</sup> Woolworths DPR0396.012

	Holdings Limited (RIHL)			
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	387	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	401	Support In Part	Amend as follows: 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. <del>2. The extent to which the building or structure is visible from the road, residential or rural zones.</del> 3. The extent to which the increase in height is necessary due to the functional requirements of an activity.
DPR-0209	Manmeet Singh	FS039	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS284	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS358	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS801	Oppose In Part	Reject the submission points in part.

### Analysis

13.123 Kāinga Ora<sup>156</sup> seeks to amend CMUZ-MAT4.2 as notified. The submitter disagrees that simply being able to view a building constitutes an adverse effect. On review, I consider 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 this do not consider clause 4.2 is necessary. I recommend this submission point be accepted.

13.124 Chorus<sup>157</sup> seeks an amendment be made to CMUZ-MAT4. The submitter considers that wireless telecommunications networks are designed to avoid obstructions by buildings, topography, and trees to achieve their function, noting that network planning takes into account the allowable heights in a zone to ensure the risk of built development blocking transmission or being subject to radiofrequency exposures exceeding allowable standards is avoided or minimised. The submitter sees it being problematic where a resource consent is granted for the building height standard to be exceeded. A potential consequence is that any existing wireless facility in the vicinity may need to be redesigned or relocated. Therefore, the submitter seeks a matter of control or discretion in the CMUZ requiring a consideration of any reverse sensitivity effects on important infrastructure where the height standard will be exceeded by greater than 2m and as there is potential to adversely affect telecommunications networks it is also important that there are no notification rules included in the plan that preclude consideration of important infrastructure as affected parties under s95E of the RMA. I consider it would be appropriate to consider the potential effect

<sup>156</sup> Kāinga Ora DPR-0414.401

<sup>157</sup> Chorus DPR-0101.046



of an increase building height on the important infrastructure. On review, there does not appear to be an overlap with any of the requirements in the EI chapter and in my opinion, this should become a consideration during the processing of an application for an over height building in the CMUZ, therefore I recommend this submission point be accepted.

13.125 RWRL, RIHL, RIDL and IRHL<sup>158</sup> support CMUZ-MAT4 as notified, however, based on the inclusion of a new clause considering the potential effects on important infrastructure, I recommend these submission points are accepted in part.

### ***Recommendation***

13.126 I recommend, for the reasons given above, that the Hearings Panel:

- a. Amend CMUZ-MAT4 as shown in **Appendix 2** to enable the consideration of additional impacts from a breach in height limit.
- b. Delete CMUZ-MAT4.2 as shown in **Appendix 2** to consolidate the matters of discretion.

13.127 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## ***CMUZ-MAT5***

### ***Submissions***

13.128 Nine submission points, including four further submissions, were received in relation to CMUZ-MAT5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	380	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	352	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	358	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	388	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	402	Oppose	Delete as notified and undertake a full review of the matters for discretion. Seeks the introduction of a flexible Height/Bulk in Relation to Boundary rule which would provide a range of options, specific to the zoning of

<sup>158</sup> RWRL DPR-0358.379, RIHL DPR-0374.357, RIDL DPR-0384.387 and IRHL DPR-363.351

				adjacent land, that would provide design flexibility in the form and typology of residential development.
DPR-0209	Manmeet Singh	FS040	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS285	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS359	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS802	Oppose In Part	Reject the submission points in part.

### **Analysis**

13.129 Kāinga Ora<sup>159</sup> seeks CMUZ-MAT5 be deleted and instead a full review of the matters for discretion be undertaken. A full review of the matters for discretion was carried out as part of the District Plan Review Process and I consider CMUZ-MAT5 allows flexibility for residential development. I recommend this submission point be rejected.

13.130 RWRL, RIHL, RIDL, IRHL<sup>160</sup> seek CMUZ-MAT5 retained as notified. I recommend these submission points be accepted.

### **Recommendation**

13.131 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

13.132 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **CMUZ-MAT6**

### **Submissions**

13.133 11 submission points, including five further submissions, were received in relation to CMUZ-MAT6.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	381	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	353	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	359	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	389	Support	Retain as notified

<sup>159</sup> Kāinga Ora DPR-0414.402

<sup>160</sup> RWRL DPR-0358.380, IRHL DPR-0363.352, RIHL DPR-0374.358 and RIDL DPR-0384.388

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0414	Kāinga Ora - Homes & Communities	403	Support In Part	<ol style="list-style-type: none"> <li>1. For road setbacks, the extent to which the reduced setback impacts <del>on the amenity and character of the street scene, the planned urban built form and landscaping potential, or shading of the adjoining road.</del></li> <li>2. For internal setbacks, the extent of adverse effects on privacy, outlook, and shading <del>and other amenity values</del> for the adjoining property.</li> <li>3. Whether the intrusion is necessary due to the functional requirements of an activity.</li> <li>4. The extent and quality of any landscaping provided.</li> </ol>
DPR-0209	Manmeet Singh	FS041	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS286	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS360	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS803	Oppose In Part	Reject the submission points in part.
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	069	Support In Part	<p>Amend as follows:</p> <p><u>X. Whether a reduced setback from boundaries with the rail corridor will enable buildings, balconies, or decks to be constructed or maintained without requiring access above, on, or over the railway corridor.</u></p>
DPR-0414	Kāinga Ora - Homes & Communities	FS091	Oppose	Not specified

### Analysis

13.134 Kāinga Ora<sup>161</sup> 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. It should be noted the setbacks in the CMUZ are predominantly where a CMUZ adjoins a proposed residential zone. I recommend this submission point be rejected.

13.135 KiwiRail<sup>162</sup> seeks to include a new Matter to require the consideration of the effects on the railway corridor if a reduced setback is proposed. The submitter is concerned that if buildings are built too close to boundaries that adjoin the rail reserve that they may be required to undertake access from the rail reserve, which could create safety issues. The submitter made a similar submission point requesting an amendment to the relevant Rule Requirements to require a setback from the rail

<sup>161</sup> Kāinga Ora DPR-0414.403

<sup>162</sup> KiwiRail DPR-0458.069

corridor. On review, railway lines presently adjoin the TCZ in Darfield, however, this could change via private plan change in the future. I consider that a setback of 5m from the rail corridor in the TCZ would be suitable in any CMUZ and therefore an associated Matter of Discretion would also be necessary. I recommend this submission point be accepted.

13.136 RWRL, RIHL, RIDL and IRHL<sup>163</sup> support CMUZ-MAT6 as notified. I recommend these submission points be accepted in part, subject to the inclusion of the new clauses detailed above.

### **Recommendation**

13.137 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

a. Amend CMUZ-MAT6 as demonstrated in **Appendix 2** to provide a new clause associated with the reduced rail corridor setbacks.

13.138 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **CMUZ-MAT7**

### **Submissions**

13.139 13 submission points, including eight further submissions, were received in relation to CMUZ-MAT7.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	382	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	354	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	360	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	390	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	404	Support In Part	Amend as follows: 1. Any adverse <u>visual dominance</u> effects of the building or redevelopment on <del>the amenity of the adjoining or nearby residential areas</del> <u>zones</u> . 2. ...
DPR-0209	Manmeet Singh	FS042	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS287	Oppose In Part	Reject submission

<sup>163</sup> RWRL DPR-0358.381, IRHL DPR-0363.353, RIHL DPR-0374.359 and RIDL DPR-0384.389

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	FS237	Support	Adopt.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	FS237	Support	Adopt.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	FS237	Support	Adopt.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS237	Support	Adopt.
DPR-0461	Dunweavin 2020 Ltd	FS361	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS804	Oppose In Part	Reject the submission points in part.

### **Analysis**

13.140 Kāinga Ora<sup>164</sup> generally supports the matters of discretion proposed in CMUZ-MAT7. However, they seek amendments relating to the amenity outcomes in neighbouring residential zones. I consider 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 'Commercial and Mixed Use' Zones as well as adjoining residential zones. I recommend this submission point be rejected.

13.141 RWRL, RIHL, IRHL, RIDL<sup>165</sup> support CMUZ-MAT8 as notified. However, these submitters have also lodged further submissions in support of the change as proposed by Kāinga Ora. I recommend that the original submission points be accepted.

### **Recommendation**

13.142 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

13.143 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **CMUZ-MAT8**

### **Submissions**

13.144 Five submission points, including four further submissions, were received in relation to CMUZ-MAT8.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
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<sup>164</sup> Kāinga Ora DPR-0414.404

<sup>165</sup> RWRL DPR-0358.382, IRHL DPR-0363.354, RIHL DPR-0374.360 and RIDL DPR-0384.390

DPR-0414	Kāinga Ora - Homes & Communities	405	Neither Support nor Oppose	Clarification sought.
DPR-0209	Manmeet Singh	FS043	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS288	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS362	Oppose In Part	Reject submission
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS805	Oppose In Part	Reject the submission points in part.

### **Analysis**

13.145 Kāinga Ora<sup>166</sup> seeks clarification as to the existence of CMUZ-MAT8 which is mentioned in the 'Note for Plan Users' under the CMUZ-Matters for Control or Discretion heading. The PDP does not include a CMUZ-MAT8 and the reference in the user note has been removed via a clause 16(2) amendment process. I recommend this submission point be rejected.

### **Recommendation**

13.146 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

13.147 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **NEW-MAT**

### **Submissions**

13.148 One submission point was received in relation to the inclusion of a new CMUZ-MAT.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0396	Woolworths New Zealand Limited	011	New	Oppose	Insert a new Matter for Discretion to address the effects of one or more of infringements of rule requirements to support a change in activity status from DIS to RDIS in addition to relying on CMUZ-MAT3

### **Analysis**

13.149 Woolworths<sup>167</sup> are seeking an additional CMUZ-MAT to support their previous request to amend the activity status of some Rule Requirements from DIS to RDIS. As I have recommended their previous requests be rejected there is no need for an additional Matter in response. I recommend this submission point be rejected.

<sup>166</sup> Kainga Ora DPR-0414.405

<sup>167</sup> Woolworths DPR-0396.011

### ***Recommendation***

13.150 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

13.151 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **14 Maps**

### ***Submissions***

14.108 Eight submission points, including two further submissions, were received in relation to the Planning Maps.

<b>Submitter ID</b>	<b>Submitter Name</b>	<b>Submission Point</b>	<b>Plan Reference</b>	<b>Position</b>	<b>Decision Requested</b>
DPR-0445	Rebecca Bennett	002	Commercial Precincts	Oppose	Amend the Commercial Precincts overlay so that Lot 270 DP 81713 is shown in PREC1 rather than PREC3.
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	010	TCZ	Support	Retain extent of Lincoln TCZ as notified.
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	016	TCZ	Support	Retain TCZ area in Darfield as notified.
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	021	TCZ	Support	Retain extent of Rolleston TCZ as notified
DPR-0373	Foodstuffs South Island Limited & Foodstuffs (South Island) Properties Limited	024	LCZ	Support	Retain extent of West Melton LCZ as notified.

## Analysis

- 14.109 Rebecca Bennett<sup>168</sup> seeks Lot 270 DP 81713, located at the edge of PREC3 is instead incorporated into PREC1. The PREC1 boundaries align with the proposed Rolleston TCZ boundary (Fig.1), if a change in zone occurs through the rezoning hearings, the PREC1 boundary would be realigned accordingly.



Fig 1: Rolleston PREC Map

- 14.110 The inclusion of the subject site Lot 270 DP 81713 in PREC1 would not give the property any additional benefit. If the underlying GRZ zoning remains unchanged, it would only remove the ability for the property owner to utilise the relaxed commercial rules that PREC3 provides for properties in the GRZ. I also note Lot 270 DP 81713 adjoins PREC2 not PREC1. PREC1 is the area the new Town Centre for Rolleston is being developed by the Council, PREC2 is the remainder of the TCZ that is not included in the Council's Town Centre development. I recommend this submission point be rejected.
- 14.111 Foodstuffs<sup>169</sup> support the proposed zoning for the TCZ in Darfield, Lincoln and Rolleston and the LCZ at West Melton. This support is noted. I recommend these submission points be accepted.

## Recommendation

<sup>168</sup> Rebecca Bennett DPR-0455.002

<sup>169</sup> Foodstuffs DPR-0373.010, DPR-0373.016, DPR-0373.021 and DPR-0373.024



14.112 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

14.113 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 15 Conclusion

15.0 For the reasons included throughout this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.