

Proposed Selwyn District Plan



Right of Reply Report

GIZ

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1. Purpose of Report

- 1.1 The purpose of this report is to respond to the questions raised by the Hearings Panel during Hearing 25: General Industrial Zone, and for the Officer to address other matters raised in evidence and to propose any further amendments to the notified version of the Proposed District Plan (PDP) above those recommended in the Officer's s42a evidence report.

2. Hearing Panel's Questions to the s42a Reporting Officer and Response

[1] Commercial Activities in Industrial Zones GIZ-P4

- 2.1 The Township network provides the framework for managing the scale, function and character of each township within the district. Each township has therefore been categorised to reflect its anticipated role in relation to surrounding townships and the district as a whole. Rolleston functions as the primary population, commercial and industrial base of the district and currently contains the only LFRZ within the notified PDP. I therefore consider the LFRZ, as part of Rolleston Township, should be afforded some protection from Commercial Activities that establish in the GIZ and I remain of the view that reference to the LFRZ should be included in GIZ-P4.
- 2.2 After considering the evidence from both Woolworths and the Carter Group representatives, I consider there is need to amend other aspects of GIZ-P4 to provide more clarity. The policy as notified requires two limbs to be satisfied to allow commercial activities to operate in industrial zones, however, on reflection, compliance with either limb may be appropriate. I therefore agree with the proposal from Woolworths to replace 'and' with 'or' which would provide clarity that Commercial Activities should be avoided in the GIZ where they do not demonstrate a 'functional need' (as defined by the Planning Standards) to be located there; or the activity would result in significant adverse effects that would undermine the vitality or function of the Town Centre, Local Centre or Large Format Retail Zones.

[2] Custodial Dwellings GIZ-R2

- 2.4 The drafting of the provisions was intended to restrict the use of custodial dwellings, to ensure that the occupation of the residential unit was associated with the activities operating from site. Matters for Control also include consideration of the design on the residential unit, including the design and location of outdoor living space, noise attenuation measures and in the event that the residential unit is no longer required for security purposes, the ease of the unit to be utilized for other purposes.
- 2.5 I support the change to the provision as proposed by the submitter (LPC DPR-0453.082) to further restrict these dwellings should they be located within the Port 45dB LAeq Noise Control Overlay, to protect this Important Infrastructure from reverse sensitivity effects.

[3] Supermarkets in Industrial Zones GIZ-R8

- 2.6 Woolworths has again raised the issue of Supermarkets not being adequately provided for in the PDP. In the GIZ as notified, such activities would have a non-complying activity status. Under the definition as proposed in the PDP as notified, 'Supermarkets' would also encompass a variety of similar activities, for example Dairies, Specialty Grocers. Woolworths proposal to

amend the activity status for 'Supermarkets' in the GIZ would also apply to these smaller scale stores. On review, this 'size issue' is not considered to be an issue, as a supermarket activity of any scale would have to satisfy the criteria relating to a functional need and impact on Commercial Zones as set out in GIZ-P4. In addition, GIZ-P2 seeks 'other activities' establishing in the GIZ be of a similar nature and scale to industrial activities and, or focused on servicing the needs workers in the zone and GIZ-P3 also seeks to avoid 'commercial activities' where they are incompatible with the character and function of the Industrial Area. If the activity status was to change to Discretionary, there would be no need to separate out larger and smaller supermarket activities, but this does not mean that I agree that changing the status from Non-Complying would give effect to GIZ-O1 which seeks to enable industrial activities, as well activities that are considered compatible and that support the function of the Industrial area.

- 2.7 The submitter provided examples of other District Plans that provide for Supermarkets as a DIS activity in Industrial Zones. However, I have also reviewed New Plymouth and Waimakariri (WDC), both of which have been recently notified (and are therefore still subject to submissions) and the Christchurch District Plan, as both CCC and WDC are subject to a recent review, and also located within Greater Christchurch.

District Plan	Zone	Rule	Status	Comments
Waimakariri PDP	GIZ	GIZ-R19	NC	Supermarket is a subset of Large Format Retail which is a subset of Retail Activity
Waimakariri PDP	LIZ	LIZ-R19	NC	Supermarket is a subset of Large Format Retail which is a subset of Retail Activity
Waimakariri PDP	HIZ	HIZ-R14	NC	Supermarket is a subset of Large Format Retail which is a subset of Retail Activity
Christchurch DP	Industrial General Zone	16.4.1.4	DIS	Activity is not otherwise referenced as permitted, controlled, restricted discretionary or non-complying
Christchurch DP	Heavy Industrial	16.5.1.5	NC	Any activity not provided

	Zone			for as a permitted, controlled, restricted discretionary, discretionary or prohibited activity.
Christchurch DP	Industrial Park Zone	16.6.1.4	DIS	Any activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.
New Plymouth PDP	GIZ	GIZ-R8	NC	Supermarkets are included in Definition of Retail

- 2.8 In summary, it appears that District Plans across the country tend to land at either a DIS or NC status for Supermarket activities in Industrial Zones. I note that the I accept there has been unprecedented growth in Selwyn and acknowledge the lack of provision for Supermarkets. However, I consider that the amendments proposed as part of the CMUZ hearings adequately respond to this issue with provisions being amended to provide supermarkets a PER status in any TCZ or LFRZ and any LCZ where under the supermarket activity is less than 1000m². I consider amending the status from Non-Complying to Discretionary in GIZ is not appropriate as there may be potential compatibility or reverse sensitivity issues with the surrounding industrial activities. There is also the question of how supermarkets fit in with the wider GIZ Policy Framework. Although GIZ-P4 seeks to ensure that any Supermarket seeking to establish in the GIZ would need to demonstrate a functional need to be there, or that they would not undermine the viability or function of the TCZ, LCZ or LFRZ, GIZ-P2 enables 'other activities' to establish in the GIZ where they are of a similar nature and scale to industrial activities, or to services the needs of those workers within the zone. Supermarkets usually have much larger catchments than an Industrial Zone and they are more similar in nature to Commercial activities, as opposed to Industrial ones. GIZ-P3 also seeks to avoid 'commercial activities' where they are incompatible with the character and function of the Industrial Area.

[4] Restricted Discretionary Status for Rule Requirements Infringements GIZ-REQ7 and GIZ-REQ10

- 2.9 Woolworths in their submission proposed a restricted discretionary activity status where the following rule requirements are infringed.
- (i) GIZ-REQ5 Landscaping – Road boundaries.

- (ii) GIZ-REQ6 Landscaping – Interface boundaries.
- (iii) GIZ-REQ7 Outdoor Storage.
- (iv) GIZ-REQ10 Street Interfaces.

In the GIZ s42a report, I agreed with the applicable submitters that the RDIS activity status is appropriate in regard to Landscaping of both Road and Interface boundaries. Appendix 2 to the GIZ s42A report outlined the amended wording for GIZ-REQ5 and GIZ-REQ6 to reflect this and a new matter for discretion was also proposed to accompany this change in status.

- 2.10 As discussed in the answers to GIZ pre-hearing questions, I agreed that RDIS status would also be appropriate for Fencing and Outdoor Storage. Following consideration of the discussions at the hearing, I am also of the opinion that Street Interface could also be effectively assessed as a restricted discretionary activity. The Street Interface provisions in GIZ are like the CMUZ Active Frontage provisions, which are also proposed to be managed via a restricted discretionary activity status should there be a breach of the relevant Rule Requirement.
- 2.11 To complement their request for a restricted discretionary status for the GIZ-REQ5, GIZ-REQ6, GIZ-REQ7 and GIZ-REQ10 Woolworths proposed wording for additional Matters of Discretion where there is a breach of the Rule Requirements. I recommended the wording proposed by Woolworths for Landscaping be adopted in the s42A report and after consideration of the evidence, I also recommend that the wording proposed by Woolworths for Fencing and Outdoor Storage and Street Interface Matters of Discretion be adopted.
- 2.12 In summary I consider that the proposed RIDS activity status for GIZ-REQ7 and GIZ-REQ10 is appropriate and recommend that the wording of the Matters for Discretion as proposed by the submitter is accepted.

[5] Community Corrections Activities

- 2.13 In response to the question raised at the hearing it is my understanding that Community Corrections Activities do not include a residential or accommodation component. Following the presentation of Ara Poutama Aotearoa at the reconvened hearing on 12 April 2022, I am still of the opinion that a Non-complying status is appropriate for Community Correction Facilities in the GIZ.

3. Reporting Officer's Proposed Provision Amendments

- 3.1 On review of the submitter's evidence and the matters raised within the Hearing the following amendments to the proposed provisions are recommended. Note that the amendments as recommended in the s42a evidence are included but are not shown as underlined text or strikethrough. For a full summary of all the proposed amendments to provisions see **Appendix 2**.

GIZ-P4

- 3.2 *Avoid commercial activities that do not demonstrate a functional need to locate within the zone ~~and/or~~ that result in unacceptable significant adverse effects ~~that undermine~~ on the viability and function of the ~~the~~ Town Centre Zone, Local Centre Zone, ~~and/or~~ Large Format Retail Zones.*

Submission Scope:

- 3.3 Scope is provided for this proposed amendment through Woolworth's submission point DPR-0396.005.

Reasoning:

- 3.4 The change is explained at paragraphs 2.1 and 2.2. No s32AA assessment is deemed necessary.

GIZ-R2

<p>GIZ-R2</p> <p><i>excluding Port 45bB LAeq Noise Control Overlay¹</i></p>	<p>Activity status: CON</p> <p>1. <i>The establishment of any residential unit,</i></p> <p>Where:</p> <p>a. <i>The residential unit is to be used for custodial on-site security purposes; and</i></p> <p>b. <i>The residential unit occupies a maximum floor area of 70m².</i></p> <p>And this activity complies with the following rule requirements:</p> <p>GIZ-REQ1 Servicing</p> <p>...</p> <p>Matters of control:</p> <p>...2...</p>	<p>Activity status when compliance not achieved:</p> <p>3. <i>When compliance with any of GIZ-R2.1.a. or GIZ-R2.1.b. is not achieved: NC</i></p> <p>4.²<i>When compliance with any rule requirement listed in this rule is not achieved: Refer to GIZ-Rule Requirements</i></p>
<p>GIZ-R2</p> <p><i>Port 45bB LAeq Noise Control Overlay³</i></p>	<p>Activity status: RDIS⁴</p> <p>5. <i>The establishment of any residential unit,</i></p> <p>Where:</p> <p>a. <i>The residential unit is to be used for custodial on-site security purposes; and</i></p> <p>b. <i>The residential unit occupies a maximum floor area of 70m².</i></p> <p>And this activity complies with the following rule requirements:</p> <p>GIZ-REQ1 Servicing</p> <p>...</p> <p>Matters for Discretion :</p> <p>6.</p> <p>a. <i>The relationship of the inhabitants of the residential unit and the other activities operating from the site, including the degree to which the residential unit is for</i></p>	<p>Activity status when compliance not achieved:</p> <p>7. <i>When compliance with any of GIZ-R2.5.a or GIZ-R2.5.b is not achieved: NC.</i></p> <p>8. <i>When compliance with any rule requirement listed in this rule is not achieved: Refer to GIZ-Rule Requirements</i></p>

¹ LPC DPR-0453.082

² LPC DPR-0453.082

³ LPC DPR-0453.082

⁴ LPC DPR-0453.082

	<p><u>inhabitants whose duties require them to live on site as associated with an Industrial or Research Activity</u></p> <p><u>b. The degree to which the proposed design and location of the residential unit, including any private outdoor living space, will provide the inhabitants with an appropriate level of amenity and quality of life, and recognises and manages effects from the Special Purpose Port Zone.</u></p> <p><u>c. The measures proposed to minimise the effects of activities within the both the General Industrial and Special Purpose Port Zone Zones on the residential unit, including the level of acoustic mitigation proposed.</u></p> <p><u>d. In the event of the residential unit no longer being required for security purposes, the extent to which the building could be used for an activity compatible with the General Industrial Zone, or the removal of, or other method to be used to dispose of the residential unit.</u></p>	
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Submission scope:

- 3.5 Scope is provided for this proposed amendment through the LPC submission point, DPR-0453.082.

Reasoning:

- 3.6 The change is explained at paragraphs 2.4 and 2.5. No s32AA assessment is deemed necessary.

GIZ-REQ7

- 3.7 *3. When compliance with any of GIZ-REQ7.1 or GIZ-REQ7.2 is not achieved: RDIS ~~DIS~~⁵*

Submission scope:

- 3.8 Scope is provided for this proposed amendment through Woolworths's submission point, DPR-0396.026.

Reasoning:

- 3.9 An assessment of this infringement could be reasonably carried out using additional matters for discretion, therefore the change from DIS to RDIS activity status is appropriate. No s32AA assessment is deemed necessary.

GIZ-REQ10

- 3.10 *When compliance with any of GIZ-REQ10.1 is not achieved: RDIS ~~DIS~~⁶*

Submission scope:

- 3.11 Scope is provided for this proposed amendment through the Woolworths submission points,

⁵ Woolworths DPR-0396.022 and DPR-0396.023

⁶ Woolworths DPR-0396.022 and DPR-0396.023

DPR-0396.026 and RIDL, RIHL, IRHL's submission points DPR-0384.479, DPR-0374.401 and DPR-0363.445 respectively.

Reasoning:

- 3.12 An assessment of this infringement could be reasonably carried out using additional matters for discretion, therefore the change from DIS to RDIS activity status is appropriate. No s32AA assessment is deemed necessary.

GIZ-MATc - Outdoor Storage and Fencing

- 3.13 1. The extent to which the infringement results in adverse effects on residential amenity and visual streetscape values.
2. The extent to which the infringement results in adverse effects on the safety and efficiency of loading and parking areas.
3. The size and location of storage area relative to the activity it is related to and the way which the storage area achieves the intent of this standard.
4. Measures to mitigate adverse effects

Submission scope:

- 3.14 Scope is provided for this proposed amendment through the Woolworth submission point, DPR-0396.026.

Reasoning:

- 3.15 An assessment of this infringement could be reasonably carried out using additional matters for discretion. No s32AA assessment is deemed necessary.

GIZ-MATc – Street Interface

- 3.16 1. The extent to which the infringement results in adverse effects on residential amenity and visual streetscape values
2. The design and location of the building having regard to the operational and functional requirements of the activity to be accommodated.
3. The extent to which the design of the building achieves the intent of the standard by other means.
4. Measures to mitigate adverse effects.

Submission scope:

- 3.17 Scope is provided for this proposed amendment through the Woolworth submission point, DPR-0396.026.

Reasoning:

- 3.18 An assessment of this infringement could be reasonably carried out using additional matters for discretion. No s32AA assessment is deemed necessary.