
OFFICER'S RESPONSE TO QUESTIONS FROM THE HEARINGS PANEL

DATE: 24 March 2022
HEARING: General Industrial Zone
HEARING DATE: 29 March 2022
PREPARED BY: Jessica Tuilaepa

Introduction

The purpose of this report is to provide a written response to the questions posed by the Hearings Panel on the respective section 42A report for the GIZ Chapter.

Questions and Answers

Paragraph or Plan reference	Question
10.12	<p><i>MoE¹ seek a change in activity status for educational facilities in the GIZ from NC to RDIS. The focus of the GIZ is to enable industrial activities and I consider educational facilities are well provided for in the district's other zones and that a NC status is appropriate as educational facilities fall outside of the activities provided for in GIZ-P1 and GIZ-P2 ...</i></p> <p>Please clarify where the other zones are and how educational facilities are well provided for?</p>
Officers Response:	<p><i>Educational facilities are permitted in the GRZ and the LRZ where they comply with the stated hours of operation.</i></p> <p><i>Educational facilities are permitted in the TCZ at Leeston and Darfield, and Permitted above ground floor level in the TCZ at Rolleston and Lincoln. They are permitted in the LCZ and permitted in the NCZ where the gross floor area of any individual tenancy is no more than 150m².</i></p> <p><i>The KNOZ zone also provides for education facilities specifically and the MPZ permits them where the GFA is less than 400m² and the activity is located outside of the Tsunami Policy Overlay. The SKIZ also permits education facilities.</i></p> <p><i>Large education facilities, such as primary and secondary schools, are usually designated by the Ministry of Education, therefore the underlying zone provisions are often irrelevant.</i></p> <p><i>The activity status above is subject to meeting any applicable rule requirements.</i></p>

¹ MoE DPR-0378.032

Paragraph or Plan reference	Question								
10.17 Corrections Activities	<p>The officer states:</p> <p><i>The PER status for Community Corrections Activities would be consistent with the approach in CMUZ, however, the NC status, as notified, is consistent with the approach taken in the KNOZ and PORTZ as it was deemed these activities were less appropriate to establish in the General Industrial Zone and other Special Purpose Zones due to the potential for reverse sensitivity effects. I continue to agree with this approach.</i></p> <p>The above statement seems to be at odds with the recommendation, which is to make Corrections Activities permitted and not Non-Complying?</p> <p>The recommendation is to make Corrections Prisons a NCA.</p>								
Officers Response:	<p><i>An issue has arisen with Community Corrections Activities being separated out from being a subset of Corrections Activities. Corrections Prisons should be NC and Community Corrections Activities should also be NC.</i></p> <table border="1"> <tr> <td><i>GIX-R?</i></td><td><u>Community Corrections Activities</u></td></tr> <tr> <td></td><td> Activity Status: NC <u>1.</u> Any <u>community</u> corrections activity <u>2.</u> Where: d. The activity is a community corrections activity. <i>And² Where the activity complies with the following rule requirements: ...</i> </td></tr> <tr> <td><i>GIX-RX</i></td><td><u>Corrections Prison</u></td></tr> <tr> <td></td><td> Activity Status: NC <u>1.</u> Any <u>Corrections Prison</u>³ </td></tr> </table>	<i>GIX-R?</i>	<u>Community Corrections Activities</u>		Activity Status: NC <u>1.</u> Any <u>community</u> corrections activity <u>2.</u> Where: d. The activity is a community corrections activity. <i>And² Where the activity complies with the following rule requirements: ...</i>	<i>GIX-RX</i>	<u>Corrections Prison</u>		Activity Status: NC <u>1.</u> Any <u>Corrections Prison</u> ³
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10.24	<p>Can you please explain why intensive primary production activities, mineral extraction and plantation forestry are proposed to be non-complying in an industrial zone, where one would expect significant adverse effects to occur. Why are these deemed to be incompatible activities that may be sensitive to the effects expected in the industrial zone?</p>								
Officers Response:	<p><i>These are activities that often use large areas of land for non 'industrial' purposes. It is not the significant adverse effects that these activities may create that is the concern, but the use of industrial land for long term rural purposes. An industrial site temporarily used to graze sheep, such as was the case in iZone before its development, is less permanent than a quarry being developed on the site. The concern being that if the Industrial land is occupied by land hungry non-industrial activities, that more land will need to be rezoned in the future, pushing the edges of the zone further away from the townships which they are associated with, into the rural area.</i></p>								

² Ara Poutama Aotearoa DPR-0300.011, DPR-0300.012, DPR-0300.013, DPR-0300.014

³ Ara Poutama Aotearoa DPR-0300.011, DPR-0300.012, DPR-0300.013, DPR-0300.014

Paragraph or Plan reference	Question
11.2	Did CDHB supply a submission to the SDC Trade Waste Bylaw and if so were their requests accepted?
<i>Officers Response:</i>	<i>I have requested this information from Council's Assets Department but I have not yet received confirmation. I will endeavour to answer this question at the hearing.</i>
11.3	Specified submitters seek to have non-compliance with GIZ-REQ1 be 'non-notifiable'. The s42A author does not consider a non-notification clause appropriate where the breach in activity status is NC. While this may be an acceptable approach in principle, in what circumstances would not meeting GIZ-REQ1 need to be notified?
<i>Officers Response:</i>	<i>If more than one principal building was to seek not to connect to the system their could be cumulative effects that may warrant public notification.</i>
11.8 – 11.10 Height	Can you please provide a comment on to what extent the height limits in these zones was assessed/evaluated as part of the s32 Evaluation Report, and provide any relevant cross references.
<i>Officers Response:</i>	<i>Section 6.7 of the s32 report discusses height limits in limited detail as there was no proposed change from the limits of both structures and buildings in the Operative District Plan.</i> https://www.selwyn.govt.nz/_data/assets/pdf_file/0007/354760/29-and-35-General-Industrial-and-Port-Zones.pdf
11.19	In relation to GIZ-REQ4, PREC6, the s42A report author considers that "the 10m setback at the zone interface should still be retained, however, <i>internally</i> a reduced setback of 3m would be acceptable as long as the 3m landscaping strip and road width requirements are retained." The amendments in Appendix 2 have been proposed to the road setback. For clarity, does 'internally' refer to the road boundary setback or is it internal to PREC6, or to some other internal boundary?
<i>Officers Response:</i>	<i>In this instance 'Internally' was intended to reference 'all boundaries within the zone' extent, being both road and internal boundaries, as opposed to the boundaries at the edge of the zone which adjoin either GRUZ, PORTZ or LFRZ.</i>
Appendix 2 GIZ- REQ3	The recommended text seems to duplicate the word "Height"
<i>Officers Response:</i>	<i>This is an error.</i>
11.24 – 11.24 Set-backs	Can you please comment on whether the significant reduction in set-backs you are recommending will require a s32AA evaluation and if so can you please provide a very brief summary of the relevant considerations for the Panel under that section.
<i>Officers Response:</i>	<i>I do not consider that a s32AA is required as in the PDP a 2m road boundary setback is the status quo for other GIZ areas not subject to a PREC, except where they adjoin a residential zone, then the setback increases to 3m. Given this</i>

Paragraph or Plan reference	Question
	<i>precedent I consider that the reduction in setback is still in line with what is anticipated in other GIZ across the District.</i>
11.30 Landscaping	<p>Is there an error in this para where you state:</p> <p><i>RIDL, RIHL and IRHL⁴ also sought that GIZ-REQ5 be amended to include a non-notification requirement, however, given the proposal to amend the activity status from RDIS to DIS I think that retention of the ability to notify such an application if deemed necessary is appropriate. I recommend these submission points be rejected.</i></p> <p>The recommendation is to change the activity status from DIS to RDIS is it not, and if so then would full notification still be appropriate?</p>
Officers Response:	<i>Yes, that is an error, it should have read ‘...from DIS to RDIS..’ and yes I think the ability to notify breach of this provision should be retained.</i>
11.36	<p>Specified submitters seek a change in activity status from DIS to RDIS where the rule requirement for outdoor storage is breached. The s42A report states that “given the wide variety of items that could potentially be stored, especially given this is an industrial zone, I consider that the DIS status is appropriate.”</p> <p>Noting the wide variety of stored items, what are the likely effects from a breach of this rule? Are they limited to visual amenity matters or do they include other matters such as traffic, commercial distribution, etc? If limited to visual amenity matters, why could this not be covered by an RDIS status?</p>
Officers Response:	<p><i>Given my position regarding this topic has changed through the CMUZ hearings, I am now of the opinion that Outdoor Storage could be managed as a RDIS activity and that the following wording would be appropriate in terms of restricting discretion:</i></p> <ol style="list-style-type: none"> <i>1. <u>The extent to which the infringement results in adverse effects on amenity and visual streetscape values.</u></i> <i>2. <u>The extent to which the infringement results in adverse effects on the safety and efficiency of loading and parking areas.</u></i> <i>3. <u>The size and location of storage area relative to the activity it is related to and the way in which the storage area achieves the intent of this standard.</u></i> <i>4. <u>Measures to mitigate adverse effects.</u></i>
11.37 Outdoor storage	<p>Whilst it might be true that there is no upper limit for the breach of outdoor storage that might occur, how might full public notification assist in the assessment of such a breach as would it not be the case that the effects are experienced only by adjacent neighbours?</p>

⁴ IRHL DPR-0363.398, RIDL DPR-0384.476 and RIHL DPR-0374.442

Paragraph or Plan reference	Question
<i>Officers Response:</i>	<i>There are no other limits in the plan on the storage of waste (unless landfill or waste transfer stations are triggered). Storage of some items could be offensive or create nuisance, for example stockpiling of dirt...</i>
12.48	Depending on the reply to the question referred to in paragraph 11.3 above, and CDHB did not submit to SDC's Trade Waste Bylaw and notwithstanding the role of the regional council, how confident are you that the bylaw can robustly assess a trade waste discharge and council's reticulated system's ability to deal with trade waste, when viewed through the lens of human health?
<i>Officers Response:</i>	<i>As stated in response to 11.2 above, I am still waiting for confirmation as to whether or not CDHB submitted on the Trade Waste Bylaw and if they did, was their submission successful in affected the Bylaw. That aside, I am very confident that the bylaw is robust enough. Any business (including food businesses) that discharges or wants to discharge trade waste into the wastewater system must apply for a trade waste discharge consent. No plumbing or drainage works associated with the discharge of trade wastewater to the Council's system is to be started without agreement from the Council. Non-compliance, including non-payment of the consent fee and therefore discharging without a consent, can also result in prosecution under the Local Government Act.</i>