
OFFICER'S RESPONSE TO QUESTIONS FROM THE HEARINGS PANEL

DATE: 25 March 2022
HEARING: DPZ, KNOZ and PORTZ
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 DPZ, KNOZ and PORTZ Chapters.

Questions and Answers

Paragraph or Plan reference	Question
KNOZ Definitions – Tertiary Education 8.5	You correctly refer to examples of other ancillary activities based at Lincoln University, but do you consider the amended definition of Tertiary Education to include “ <i>ancillary use of facilities by persons not associated with a tertiary education or research activity</i> ” might not be a bit too open-ended? Could that potentially open the door for a range of other activities that have no real need to be located there?
<i>Officer's Response:</i>	<i>I note that the PDP defines an ‘ancillary activity’ as meaning: an activity that support and is subsidiary to a primary activity. So, my interpretation of this is that this means that people could use the ancillary facilities at the university, for example the cricket clubrooms, if the people are not associated with the university, for example a private cricket club. It is not changing the use of the facilities to allow things that wouldn’t otherwise happen on the site to happen, but rather encouraging the wider community to utilise the facilities, as is promoted by KNOZ-R10 which permits Community Facilities within the zone regardless of associated with tertiary education. The zone restricts Commercial activities, that are not associated with research or tertiary education, in order to protect Lincoln TCZ (KNOZ-P3), but other activities are encouraged where they are considered compatible (KNOZ-P2).</i>
8.5	With regard to amending the definition of Tertiary Education, was there an educational reason for the high performance cricket playing and training facility to be located at Lincoln campus?
<i>Officer's Response:</i>	<i>I consider training to be an aspect of education. I would suggest the panel direct this question to the submitter for confirmation.</i>
8.10	As above, if the definition of tertiary education is to be broadened this would appear to widen the range of anticipated uses in the Zone?
<i>Officer's Response:</i>	<i>No, as mentioned in response to KNOZ Definitions – Tertiary Education 8.5 above, the zone restricts Commercial activities, that are not associated with research or tertiary education, in</i>

Paragraph or Plan reference	Question
	<i>order to protect Lincoln TCZ (KNOZ-P3), but other activities are encouraged where they are considered compatible (KNOZ-P2).</i>
8.20	The table summary of the decision requested by Lincoln University to KNOZ-R8 appears to have too many words 'struck through' (i.e the first "education or research activity). Is the decision requested set out accurately?
<i>Officer's Response:</i>	<p><i>The official relief sought by the submitter was to amend as follows:</i></p> <p><i>1. Visitor accommodation,</i></p> <p><i>Where:</i></p> <p><i>a. The visitor accommodation activity relates to the use of an existing student or staff accommodation building <u>by persons not associated with a tertiary education or research activity</u>:-</i></p> <p><i>i. By persons not associated with a tertiary education or research activity; and</i></p> <p><i>ii. For less than 30 days per calendar year.</i></p> <p><i>And this activity complies with the following rule requirements:</i></p> <p><i>....</i></p> <p><i>The underlining in Section 8 of the report and Appendix 1 is shown in incorrectly and should in fact appear as depicted above.</i></p>
8.24	<p>Has the potential effect of totally unlimited use of hostels by other than student accommodation been adequately examined?</p> <p>And if we accept the rule amendment what then is the purpose of having the rule at all, i.e. what does the rule achieve?</p>
<i>Officer's Response:</i>	<p><i>Yes, under the ODP hostels have historically been utilised for purposes other than student accommodation, for example, as accommodation for conferences during university holidays. As indicated in the s42A report, the ODP does not limit the frequency of use of visitor accommodation. On review of the s32 report for the KNOZ, the approach with regards to visitor accommodation was intended to keep the approach undertaken in the ODP. I consider that the removal of the frequency requirements would allow the status quo to continue and would not provide unnecessary limitations on visitor accommodation associated with the activities for which the KNOZ has been specifically provided for.</i></p> <p><i>Visitor Accommodation is an activity commonly managed across Zones in the Plan. If the activity was not covered by an explicit rule it would be instead covered by KNOZ-R20 'Any other activity not otherwise listed' and would automatically become a DIS activity.</i></p>
8.37	<p>Chorus requests a matter of control to consider reverse sensitivity effects on their important infrastructure where the height standard will be exceeded by greater than 2m to ensure buildings don't block transmission or being exposed to excessive radiofrequency which may cause existing local wireless facilities to be relocated.</p> <p>Kainga ora (legal sub 5.6 CMUZ) do not support the request because they assert, no evidence has been produced.</p> <p>What evidence did the s42A author base their recommendation on, to accept Chorus's submission point?</p>

Paragraph or Plan reference	Question
	<p>Would it be more onerous to redesign or relocate existing wireless facilities, than imposing the recommended matter of control (ie) exceeding the height standard by greater than 2m?</p>
<i>Officer's Response:</i>	<p><i>To date no applications have been received by Council to breach to generous 30m height limit. I considered on balance, the request to consider the potential impact on wireless facilities should be considered where the 30m height limit is breached. I do not know the implications of redesigning or relocating existing wireless facilities.</i></p>
9.24	<p>The s42A report states that "LPC seek a change in the activity status of PORTZ-R5 from CON to NC for 'noise sensitive activities'. The submitter considers that noise sensitive activities, such as custodial dwellings, should be precluded within the 55 dBA LAeq Noise Control Overlay."</p> <p>However, the decision requested in the summary table appears to apply across the whole zone, not just within the 55 dBA noise control boundary. Does the decision requested not fully align with the LPC submission? Alternatively, could the s42A author please comment on this broader request.</p>
<i>Officer's Response:</i>	<p><i>The PORTZ zone applies to two separate sites and the 55dBA contour covers portions of both sites. LPC requested that noise sensitive activities are NC within the PORTZ, however MetroPort requested the rule be retained as notified. I considered that preventing custodial dwellings within the 55dBA contour would satisfy the relief sought by LPC who sought to avoid noise sensitive activities from establishing under the contour and the request of MetroPort to still allow custodial dwellings on site albeit on a reduced area outside the 55dBA contour.</i></p>