

Before the Independent Commissioner
Appointed by Selwyn District Council

Under	the Resource Management Act 1991
In the matter of	a hearing on submissions to the Partially Operative Selwyn District Plan, Variation 2: Levi Road rezoning
	Foodstuffs (South Island Properties) Limited
	Applicant

Joint Witness Statement – Planning

16 May 2025

May it please the Commissioner

- 1 This joint witness statement (JWS) relates to expert conferencing on the topic of planning in response to the Commissioner's directions in Minute 4 dated 9 May 2025.
- 2 The conferencing took place on 14 May 2025 at 11.30am via MS Teams.
- 3 Attendees at the conference were Craig Friedel for the Selwyn District Council and Mark Allan for Foodstuffs (South Island) Properties Limited.

Code of Conduct

- 4 In preparing this statement the experts have read and understood the Code of Conduct for Expert Witnesses included in the 2023 Environment Court Practice Note and agree to comply with it.

Agenda

- 5 In accordance with the Commissioner's directions, the experts discussed how the proposed rule framework would apply to outdoor storage areas (including landscape supplies), particularly where such areas do not involve a "building" as defined by the Partially Operative Selwyn District Plan (POSDP).

Matters agreed

- 6 The POSDP contains separate definitions for "building" and "structure".¹ The fundamental difference that distinguishes a "building" from a "structure" is that a building is partially or fully roofed whereas a structure can be without a roof. In this regard, a covered outdoor storage area would be considered a "building" by definition, whereas an uncovered outdoor storage area would not. While an uncovered outdoor storage area would not be a "building", that same area could still contain a "structure" by definition.
- 7 **LFRZ-R1.4 Buildings and Structures** provides for the *establishment of any building or structure and/or any addition or modification to an existing building or structure* as a restricted discretionary activity, subject to compliance with rule requirements LFRZ-REQ1 to REQ7.² To this end, any new building or structure will require resource consent where Council has discretion in respect of **CMUZ-MAT3 Urban Design**. In the case of outdoor storage areas (including landscape supplies), these would be considered in the context of the following matters of discretion under CMUZ-MAT3 Urban Design:

¹ 'Building' means a temporary or permanent movable or immovable physical construction that is: a. partially or fully roofed; and b. fixed or located on or in land;

'Structure' means any building, equipment, device, or other facility, made by people and which is fixed to land;...

² As contained in the Planning provisions that accompanied the Applicant's Opening Statements on Day 1 at the hearing and the Planning Joint Witness Statement - [Expert Conferencing Planning FINAL JWS 21-03-2025.docx](#).

1. *The extent to which the development incorporates good urban design principles, including:*

...

- f. Incorporates landscaping or other means to provide for increased amenity, shade, and weather protection; and*
- h. Includes landscaping, fencing and storage, and waste areas that are designed and located to mitigate the adverse visual and amenity effects of the development on adjoining residential-zoned sites and public reserves.*

- 8 In addition to the automatic resource consent requirement for any development triggered by LFRZ-R1.4, outdoor storage areas including landscape supplies will be considered against the following rule requirements, as relevant:

- a) **LFRZ-REQ4.4 Setbacks** requires that *any building shall be set back a minimum of 20m from the road boundary*. The increased 20m building setback from the road boundary (LFRZ-REQ4.4) was agreed by the Applicant in response to Gabe Ross' concerns regarding potential visual dominance of the built form (including covered outdoor areas or canopy structures) in close proximity to Lincoln Rolleston Road.³

By definition, a canopy structure that partially or fully covers an outdoor storage area (including landscape supplies) will be subject to the 20m road boundary setback as it will be a "building".

Any other "structure" associated with an outdoor storage area (including landscape supplies) will not be subject to the 20m setback but will be subject to LFRZ-R1.4 as discussed in paragraph 7.

- b) **LFRZ-REQ5 Outdoor Storage** requires that any outdoor storage area be *screened from any road boundary and from any internal boundary adjoining a residential zone by a fence, wall, or vegetation of a least 1.8m in height*. Under **LFRZ-R8 Trade Retail and Trade Supply Activities**, any trade retail and trade supply activity must (amongst other matters) comply with LFRZ-REQ5.

If compliance with LFRZ-REQ5 is not achieved, resource consent will be required for a restricted discretionary activity. The application will be subject to the matters of discretion in **CMUZ-MATb Fencing and Outdoor Storage**, which includes measures to mitigate adverse effects on amenity and visual streetscape values.

- c) **LFRZ-REQ6 Landscaping** requires that landscaping be established in accordance with the Outline Development Plan, which includes a minimum 5m-wide landscape planting area along the Lincoln Rolleston Road frontage and a minimum 10m-wide landscape planting area along the eastern boundary. If compliance is not achieved, resource consent will be required for a

³ Paras 10.8, 11.7, 12.4, 12.5, 13.1(c), Statement of Evidence of Gabriel Ross, 13 February 2025.

restricted discretionary activity. This application will be subject to the matters of discretion in **CMUZ-MATa Landscaping**, which include measures to mitigate adverse effects on amenity and visual streetscape values and the amenity values and outlook of residential zones opposite the non-compliant landscaping.

- d) **LFRZ-REQ7 Outline Development Plan** requires that *all development shall be undertaken in accordance with the ODP in LFRZ-SCHED1*, which includes an *indicative building footprint (trade retail, excluding covered yards)*. As noted in sub-clause a) above, covered yards (being a “building”) will be subject to the 20m road boundary setback. If compliance with LFRZ-REQ7 is not achieved, resource consent will be required for a discretionary activity.

Matters not agreed

9 There are no matters in disagreement.

Dated this 16th day of May 2025



Craig Friedel



Mark Allan