

Hearing Stream 9: Commercial and Mixed Use Zones

Questions from the Hearing Panel

Having read the Section 42A Reports, the Hearing Panel has questions that they would appreciate being answered by the Section 42A Report author(s) at the hearing, both verbally and written.

This is in the interests of running an efficient hearing.

Please note this list of questions is not exhaustive. The Panel members may well ask additional hearings during the course of the hearing.

CMUZ – Commercial and Mixed Use Zones

| Paragraph or Plan reference | Question |
|-----------------------------|--|
| Para 61 | <p>Kāinga Ora’s submissions on height in relation to boundary, is that it be amended as follows:</p> <p style="padding-left: 40px;">"1. Where an internal boundary adjoins Residential Zones, Rural Zones, or Open Space and Recreation Zones, the height in relation to boundary for the adjoining zone shall apply., and where specified, structures shall not project beyond a building envelope defined by recession planes measuring 2.5m from ground level above any site boundary in accordance with the diagrams in Appendix APP3."</p> <p>Q: You have rejected that because you consider the rule is clear and is consistent with other rules, but is there not some duplication in the notified version and could the deletion of the following achieve the same purpose?</p> <p style="padding-left: 40px;">"1. Where an internal boundary adjoins Residential Zones, Rural Zones, or Open Space and Recreation Zones, the height in relation to boundary for the adjoining zone shall apply., and where specified, structures shall not project beyond a building envelope defined by recession planes measuring 2.5m from ground level above any site boundary in accordance with the diagrams in Appendix APP3."</p> |
| Para 127 | <p>The Panel is having difficulty understanding your statement:</p> <p><i>CMUZ-P3 relates to new local and neighbourhood centres included within development areas. These are either future greenfield development areas or existing development areas that already have ODPs applying. <u>Pegasus has an existing ODP (DEV-PEG-APP Pegasus ODP) but it does not include commercial areas. It therefore does not apply to the Pegasus town centre. I therefore agree that an ODP for the Pegasus LCZ would not be required.</u> No amendment is required to CMUZ-P3 and I therefore recommend that this submission is rejected.</i></p> |

| Paragraph or Plan reference | Question |
|-----------------------------|---|
| | <p>Q: Please clarify the underlined words and how this interpretation gives effect to the submitter's point regarding the extension to the LCZ, which is:</p> <p><i>"They consider that an ODP for the <u>extension to the LCZ</u> as requested by Pegasus should not be required and that CMUZ-P3 should be amended so that it does not apply to the <u>proposed extended LCZ</u> at Pegasus".</i></p> |
| Para 166 | <p>You state "I therefore consider that the TCZ does provide for the greatest scale of built form of the zones. That is entirely different to saying there might be bigger developments due to the larger sites in the LFR".</p> <p>Q: Do you mean that the TCZ provides for the greatest scale of built form on a site of all zones?</p> |
| Para 182 | <p>You state that the submitter seeks a new policy which recognise that some activities preclude them from meeting the urban design objectives of the TCZ.</p> <p>Q: Can you please point the Panel to the direction of what and where the urban design objectives are?</p> |
| Para 210 | <p>You have recommended new text under "how to interpret and apply the rules" to address how the Definitions Nesting Table works.</p> <p>Q: Does this apply to other Chapters in the PDP? If so, have you considered whether this is the most appropriate location in the PDP? Is there scope to make this amendment elsewhere, if appropriate?</p> |
| Para 240 | The Panel would like Mr Foy to explain why development of four level (and presumably more) buildings is not commercially viable. |
| Para 244 | Q: In respect of TCZ-BFS1, how is the inconsistency in the PDP going to be addressed in the integration deliberations, and is there scope for this? |
| Para 245 and 254 | Q: What are the transport effects that you are referring from, that are not otherwise addressed through the Transport Chapter? Is commercial distribution a defined term? |
| Para 278 (and elsewhere) | <p>Clause (b refers to "achieve similar Plan outcomes".</p> <p>Q:What are the Plan outcomes that are being referred to here?</p> |
| Para 290 | Q: Does the submitter have scope to seek a different zoning to the TCZ through the rezoning hearing? |
| Para 320 | Q: What is the Plain English meaning of convenience activities? |

| Paragraph or Plan reference | Question |
|-----------------------------|--|
| Para 361 | Q: Are there other retail activities contained in the LCZ rules? If not, should there be an exclusion for LCZ-R4 relating to food and beverage? |
| Para 397 (& 482) | <p>The Panel notes the support for an increase in the maximum height limit in LCZ-BFS1 to 12m, whereas Variation 1 has the height limit at 11m.</p> <p>Q: Please clarify how the Panel can make a decision now on this submission on the PDP without first considering the Variation? Are there any relevant submissions on the Variation?</p> |
| Para 418 | <p>You recommend:</p> <p>Amend LCZ-BFS5 as follows:</p> <p style="text-align: center;"><i>Where a site does not have a building is not built along the entire to a road boundary, landscaping shall be provided along the full length of the road boundary, except for vehicle crossings, outdoor seating or dining areas. This landscape strip shall be a minimum of 2m deep.</i></p> <p>Q: Would it be more correct to include the word 'available', as follows:</p> <p style="text-align: center;"><i>Where a site does not have a building is not built along the entire to a road boundary, landscaping shall be provided along the full length of the road boundary <u>not occupied by building</u>, except for vehicle crossings, outdoor seating or dining areas. This landscape strip shall be a minimum of 2m deep.</i></p> |
| 442 | <p>Q: Do you see any danger in allowing 'educational facilities as permitted activities at 200m² or less, for more than one (or several) different types of these activities to seek to establish in (small) Neighbourhood centres potentially displacing the available area for retail activities?</p> <p>(NB: In para 449 you have recommended a clause for 'Education activities', which is an undefined term in the PDP and could therefore have a potentially wide application).</p> |
| Para 451 | <p>You have suggested a size limitation of 450m² for supermarkets (differentiated from other 'retail activity' which has a 200m² limit).</p> <p>Q: What is the rationale for treating supermarkets/grocery stores differently to other retail shops in terms of the size they can attain in the NCZ?</p> <p>Is being a potential 'anchor store' sufficient reason to provide a more than doubling of the maximum floorspace for a supermarket, when there may be competition for limited space by a range of</p> |

| Paragraph or Plan reference | Question |
|-----------------------------|--|
| | other retail stores seeking to locate in a NCZ to serve the local neighbourhood? |
| Para 483 | <p>You state:</p> <p><i>“If the height limits in the residential areas are reduced to 8m, then he considers that the height limits in the NCZ (and LCZ) should be correspondingly reduced to 8m”</i></p> <p>Q: What is the context for the Residential height limit being potentially reduced (are there submissions on the Residential Chapter requesting this)?</p> |
| Para 501 | <p>You have recommended making education activities a permitted activity in the Mixed Use Zones.</p> <p>Q: Are there any protections with regards to effects (including reverse sensitivity effects) on businesses in the MUZ’s from having “noise sensitive activities” (as defined) establishing in these types of zones?</p> |
| Para 526 | <p>You have recommended:</p> <p>Amend MUZ-P1 as follows:</p> <p><i>“support the Kaiapoi Town Centre’s identified function, role, anticipated built form and associated amenity values;</i></p> <p>Q: Could the insertion of ‘anticipated’ in this manner not be read as diminishing <u>existing</u> amenity values (which appears not to have been your intention)?</p> |
| Para 581 | <p>Q: When evaluating the suitability of educational facilities, did you consider the appropriateness of smaller scale facilities, such as childcare that could support workers in a LFRZ area?</p> |
| Para 589 | <p>Q: Do you consider the Woolworths submission provides scope for your recommended amendment:</p> <p>Amend LFRZ-P1 as follows:</p> <p><i>Provide for commercial activities within the Large Format Retail Zone that are difficult to accommodate within commercial centres due to their scale or functional requirements and other commercial activities that are more suited to out of centre locations, while;</i></p> |
| Para 629 | <p>Q: Does the Clampett Investments submission provide the scope for the reintroduction of these standards?</p> |
| Para 667 | <p>Q: Is your rejection of the KiwiRail submission consistent with your acceptance of Woolworths submissions that seek that supermarkets are permitted activities in zones where they are already permitted?</p> |

