

**Before the Hearings Panel  
At Waimakariri District Council**

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** the Proposed Waimakariri District Plan

**Between** **Various**

**Submitters**

**And** **Waimakariri District Council**

**Respondent**

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**Council S42A Officer's Summary Statement on the Commercial and Mixed Use  
Zone Chapters on behalf of the Waimakariri District Council  
Date: 29 July 2024**

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## **1. Introduction**

- 1.1 My name is Andrew Willis. I am a consultant planner engaged by the Waimakariri District Council to support the development of the Commercial and Mixed-Use Zone Chapters. I prepared the s42A report on the Commercial and Mixed-Use Zone Chapters and can confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order policies. I have the qualifications and experience as set out in my s42A report.
- 1.2 My intention with this summary is to provide a brief background to the chapters and identify the key matters in contention assessed in the s42A report. I will also identify the outstanding matters covered in evidence by the submitters, however it is not my intention to provide a preliminary view on these matters at this time as I wish to hear the evidence and the Panel questions and I understand that there is a right of reply where I can provide a formal response to the matters heard at the hearing.

## **2. Commercial and Mixed-Use Zones Chapters - Background**

- 2.1 The Waimakariri District is a fast growing district with four main historic centres (Rangiora, Kaiapoi, Woodend and Oxford) and more recent smaller and emerging centres (for example Mandeville, Pegasus, and North Woodend).
- 2.2 The economic forecast scenarios supporting the proposed Plan show that employment is expected to grow to between 30,300 (Medium) and 35,500 (High) jobs by 2053. This growth will require the commensurate provision in the District Plan of business land and employment opportunities to ensure the economic and social enablement of the District's community is not only upheld, but advanced.
- 2.3 Business and employment growth will cross a range of activities, from small format retail and office developments to large scale industrial and large format yard based retail. These different activities typically have different requirements, ranging from location and accessibility to site size and surrounding environmental quality. These requirements need to be considered and provided for through the District Plan.
- 2.4 The District contains a range of centres of differing scale and importance. Communities rely on these centres for their daily, weekly and other needs. Centres are also where council and other community facilities typically locate. Some types of out of centre commercial development can draw commercial activity away from centres, thereby

reducing centre vibrancy and undermining their role as community focal points. The need to provide for and maintain functioning centres, should be provided for in the District Plan (due to Land Use Recovery Plan and CRPS directions and because it is generally accepted as good planning practice).

- 2.5 The provision of business land and employment opportunities needs to be integrated with the District's strategic infrastructure and where people live and work. Accordingly, plan provisions need to sustainably manage business land development and its effects in a way that assist in achieving quality compact urban forms at Rangiora, Kaiapoi, and at Woodend / Ravenswood /Pegasus, and the form and identity of smaller settlements such as Oxford.
- 2.6 The Operative Plan contains two key business zones (Business 1 for commercial activities and Business 2 for industrial activities), together with a number of bespoke zones for specific areas / developments (such as the Business 5 Zone at Waimak Junction in Kaiapoi and Business 4 zone for some of the neighbourhood shopping centres). The Operative Plan has a strong 'centres-based' approach to managing the distribution of commercial activity. The Key Activity Centres (KACs) are to be the primary focus of commercial and community activities, and commercial activity seeking to establish outside the KACs needs to be able to demonstrate that it will not have a significant adverse distributional effect on the existing centres. Industrial activity is to be enabled primarily within the Business 2 Zones, with retail limited to that which is ancillary to industrial activity i.e. factory shops, or provides a local convenience role for workers such as cafes. Trade Suppliers are also typically excluded. Retail activity is otherwise directed to locate within the KACs. The Business 1 Zones and KACs are to achieve good levels of urban design consistent with the delivery of a high-quality town centre experience.

### **3. Proposed District Plan**

- 3.1 The Proposed District Plan has generally carried through the Operative Plan's approach to centres and commercial distribution, but applied the compulsory zoning set out in the National Planning Standards. Specific changes include:
- Increased height limits in identified areas of the Town Centre Zone to incentivise mixed-use development and enable greater density of development;

- Permitting trade-based and yard-based retailing in the Industrial Zone, recognising that these activities are acceptable in industrial zones and potentially freeing up town centre land for more intensive activities;
- The creation of a new mixed-use zone for the Kaiapoi Regeneration area identified as mixed-use business in the Waimakariri Residential Red Zone Recovery Plan;
- Rezoning areas of Business 2 and Business 5 zones to Large Format Retail Zone to recognise existing activities and provide further opportunities for large format retail to occur in these areas.

#### **4. S42A Report – Key Points**

4.1 There were over 650 primary submissions on the Commercial and Mixed-Use zones. The s42A report responded to the submissions, relying on supporting evidence for the Council, which was provided by Mr Derek Foy for economic matters and Mr Hugh Nicholson for urban design matters.

4.2 The key issues in contention addressed by the s42A Report were:

- The status of supermarkets across the commercial and mixed-use provisions;
- How service stations are provided for;
- Where and how residential activity is enabled in centres;
- Height limits; and
- Boundary landscaping requirements.

4.3 I note that each of the above topics is covered in evidence before the Panel.

#### **5. S42A Report errors and recommended amendments**

5.1 As a result of responding to Panel questions I am of the opinion that the s42A report, Appendix A and Appendix B need amending as set out in my response to the Panel's questions. For clarity, these are follows:

- Amending the recommended wording in the height in relation to boundary rule;
- Amending very slightly the response to RDL Investments Ltd in relation to zone changes to clarify re-zoning scope;
- Amending for clarity the built form standard for road boundary landscaping;
- Referring to educational facilities (rather than education activities);
- Limiting educational facilities in NCZs to one educational facility;

- Enabling educational facilities up to 200m<sup>2</sup> GFA in the LFRZ;
  - Standardising the recommended accept / accept in part / reject responses to submissions seeking to permit supermarkets in areas where they are already permitted.
- 5.2 In addition to the above changes, as a result of exploring the Panel’s questions I consider additional improvements could be made to the recommended amended rules to provide greater clarity around how the various rules work when applying the nesting approach to retail.
- 5.3 I have reviewed the evidence of Mark Allen on behalf of Foodstuffs and met with him to discuss this. I accept his recommended amendments to CMUZ-MD3, CMUZ-MD7 and CMUZ-MD8 as set out in paragraphs 16, 20 and 18 of his evidence. I also consider that a threshold should be included in LFRZ-R14 expansion of existing supermarkets or department stores (or similar changes to achieve the same outcome) to exclude requiring extensions of up to 20% GFA from needing resource consent (as per Mr Allen’s paragraphs 24 to 26). Having discussed this matter with Mr Foy, I consider that the resulting commercial distribution changes from such extensions are below the threshold at which an assessment is required and note that LFRZ-R1 already covers urban design requirements for buildings or extensions over 800m<sup>2</sup> (as recommended to be amended in my s42A report in paragraphs 602 and 603). A Joint Witness Statement was discussed with Mr Allen but has not been progressed.
- 5.4 I have not included the above amendments in this summary statement, but intend to provide these changes and any other changes arising from this hearing, in my Right of Reply report.

## **6. Submitter Evidence – key outstanding matters**

- 6.1 Based on the evidence provided to this hearing, I consider that the matters in contention identified in the submissions has narrowed. The key outstanding matters remaining are:
- Making community corrections activities a permitted activity in the TCZ (this request was not captured in the Council summary of submissions nor the s42A report;<sup>1</sup>

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<sup>1</sup> Evidence of Maurice Dale for the Department of Corrections

- The minimum building setback distance from rail corridors and including a new Built Form Standard providing for a 4m setback from the rail corridor in the Mixed-Use Zone;<sup>2</sup>
- Whether to include policy support in the TCZ to recognise operational and functional requirements of activities (such as service stations) which may preclude them from complying with specific TCZ rules or standards; adding a new TCZ rule to permit additions and alterations to existing service stations; and reducing the landscape requirements in TCZ-BFS6;<sup>3</sup> and
- The status of ground floor residential units in the TCZ; building height limits in the TCZ and MUZ; application of the height in relation to boundary standards across the commercial zones.<sup>4</sup>

6.2 As set out in the s42A report and in RDL's legal submission<sup>5</sup>, the matters relating to RDL Investments [347] submissions on the commercial zones are either no longer in contention or are recommended to be heard as part of the re-zoning hearings (Hearing Stream 12).

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<sup>2</sup> Evidence of Catherine Lynda Heppelthwaite for KiwiRail and evidence of Clare Dale for Kainga Ora

<sup>3</sup> Statement from Jarod Dixon for Z Energy

<sup>4</sup> Evidence of Clare Dale for Kainga Ora

<sup>5</sup> Legal submission from Sarah Eveleigh I Sarah Schulte (Anderson Lloyd) for RDL Investments Limited