

**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

**Council Officer's preliminary response to written questions on the
commercial and industrial rezoning submissions on behalf of the Waimakariri
District Council**

Date: 31 May 2024

INTRODUCTION:

- 1 My name is Andrew Willis. I am a planning consultant engaged by the Council to respond to the commercial and industrial rezoning submissions.

- 2 The purpose of this document is to respond to the list of questions published from the Hearings Panel on Hearing Stream 12A in response to my s42A report. In preparing these responses I note that I have not had the benefit of hearing questions or comments from the Panel at the hearing on the various pieces of evidence. For this reason, my response to the questions may alter through the course of the hearing and after consideration of any additional matters raised.

- 3 Following the conclusion of this hearing, a Right of Reply report will be prepared outlining any changes to my recommendations as a result of evidence provided at the hearing and in response to these questions, and a complete set of any additions or amendments relevant to the matters covered in my s42A report.

- 4 I am authorised to provide this evidence on behalf of the Council.

Date: 31 May 2024



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Paragraph or Plan reference	Question
<p>Para 170</p>	<p>You state that:</p> <p><i>In his evidence (section 9) Mr Foy considers that a commercial zoning would be more appropriate to apply to the Woolworths Kaiapoi site. He considers a TCZ or LFRZ zoning would both be acceptable due to proximity to the Kaiapoi TCZ and because a supermarket would be permitted in both zones, but he prefers a TCZ zone.</i></p> <p><i>Noting the existing activity on the site and Mr Foy's advice, I recommend that the submission is accepted in part and the Hilton Street site is rezoned to LFRZ.</i></p> <p>You have also stated some reasons in para 169 for recommending the LFRZ, but the Panel notes that Mr Foy has expressed a preference for TCZ on this site. Please provide more discussion around why you prefer an LFRZ zoning in light of Mr Foy's preferred zoning.</p> <p>And should this recommendation be an 'accept' rather than 'accept in part'.</p>
	<p>Response</p> <p>In my submissions' analysis I did not assess the merits of a TCZ (vs LFRZ) zoning, because TCZ was not sought by the submitter - rather they sought an LFRZ zoning. Paragraph 64 from Woolworth's submission where they sought the LFRZ is reproduced below for clarity.</p> <p>Noting its location immediately adjacent to the existing Kaiapoi TCZ, I agree that a TCZ zoning would be appropriate for the site. However, I note that different rules apply to the TCZ and LFRZ and that these may be more or less acceptable to the submitter. I also did not discuss this alternative zone</p>

option with the submitter and I consider there is a question of scope recommending a zone not sought in the submission.

Regarding whether the recommendation should be 'accept' or 'accept in part', the rezoning submission point [282.143] (which included the Hilton Street Site) unhelpfully included three rezoning requests (87 Hilton Street, 40-54 Ivory Street, and 2 Main North Road) under the same submission point number. As I recommended rejecting the other two zoning requests also captured under the same submission point number, I recommended overall accepting the submission 'in part'. Further explanation on this was provided in the footnote to paragraph 109 where I addressed the first of the three rezoning requests under this submission point. This was also covered in Appendix B under [282.143]. Because of my recommendations across the three submissions I consider 'accept in part' is more accurate than 'accept'.

"64 Woolworths considers that the proposed General Industrial zoning of its existing Countdown site at 87 Hilton Street, Kaiapoi is inappropriate. Woolworths notes the existing supermarket is a well-established commercial activity in its own right, in close proximity to both Town Centre and Mixed Use zones. The likelihood of the site being redeveloped in the near future (or indeed any timeframe) for industrial use is unrealistic, given the investment made by Woolworths into the site. Woolworths therefore consider an alternative, and appropriate zone for the site would be Large Format Retail zone. This is not considered to adversely affect the District's ability to provide for industrial land supply relative to demand, noting the existing nonindustrial use of the site. Rather, the proposed Large Format Retail zone facilitates efficient resource management of the existing and established supermarket on the site. The corollary of retaining the GIZ as notified is that any minor additions and alterations to the existing, established supermarket would necessitate noncomplying activity consents, which is not commensurate as an activity status with the scale of the effects

	<p><i>arising from any such proposal in this circumstance, nor is it efficient and nor does it provide any certainty.”</i></p>
<p>Para 259</p>	<p>Re: the Ashley Services Ltd sawmill at Oxford.</p> <p>Can you advise how effective the conditions of the current resource consent are/have been? Would the rules/performance standards of the proposed new zoning be less/more effective than the resource consent in managing/controlling the adverse effects of the existing activity or any new industrial activities on the site?</p>
	<p>Response</p> <p>Noise appears to be the principal issue to consider, which is affected by the activities on the site and hours of operation. I understand that the existing resource consent has a 55 dBA limit with restricted hours of operation of 7.30-5.30 (Mon-Fri) and Sat 8-12.30. I also understand that there have been a number of noise complaints made against the Oxford sawmill since its establishment. This has resulted in various Council responses.</p> <p>To inform the Noise Chapter and zoning matter, Marshall Day was commissioned to assess the Ashley Sawmill operations. These reports are viewable at the following address:</p> <p>https://www.waimakariri.govt.nz/council/district-development/district-plan-review/district-plan-review-documents</p> <p>The Marshall Day report (Waimakariri District Plan Review – Noise Deliverable 2 – Noise Monitoring (October 2019) concluded (Section 4.3) that the sawmill is likely producing noise levels of around 55 dB LA10 (52 dB LAeq) at the residential boundary and that this is slightly higher than the operative daytime noise standard of 50 dB LA10 with reference to the resource consent.</p>

The Marshall Day report (Waimakariri District Plan Review – Noise Deliverable 3 – Issues and Options April 2019) states the following (section 5.3):

“Our initial monitoring suggests that noise from the Oxford sawmill site is currently slightly above the operative (and proposed) residential daytime noise standard. We do not consider this to be a significant issue at present, although Council may wish to advise the sawmill that they may be exceeding the noise standards, and that they should therefore be careful if/when making any changes which might affect noise. We also suggest that the sawmill should be made aware that the acceptability of noise is highly dependant on the time of day. If the mill decided to operate into the evening, the existing level of noise may be perceived as unacceptable by adjoining residents.”

The report noted that the sawmill site might be rezoned and stated that this will not have any effect with respect to noise because the proposed noise standards are very clearly based on the zoning of the site receiving the noise (i.e. the adjacent residential zone). Hence, the sawmill will need to comply with the residential zone noise standards, irrespective of what zone the mill itself is in.

The effectiveness of the resource consent conditions rely on monitoring by the operator and the Council, including in response to noise complaints. Similarly, the effectiveness of the proposed new zone will also rely on monitoring by the operator and the Council, including in response to noise complaints. I consider that the monitoring approach effectiveness will not be materially different across the resource consent and the proposed new zone.

With regard to noise generation itself, as noted in the Marshall Day report, irrespective of the HIZ noise limits, the sawmill will need to comply with the residential zone noise standards at the boundary with the residential zone,

	<p>unless it has a resource consent to exceed these. As such the site's zone change (from rural to HIZ) should not alter the noise levels received at the boundary, which will need to either meet the residential zone noise limit or the existing resource consent conditions.</p> <p>The hours of operation conditions in the existing resource consent would not apply to activities that are lawfully undertaken in the new zone, but would continue to apply to activities that breach the zone rules and / or the district wide rules, such as noise limits. Therefore, if the sawmill wished to continue to breach the noise standards at the residential zone boundary in accordance with their resource consent, then the hours of operation conditions in the existing resource consent would continue to apply to those activities. While new heavy industrial activities could potentially be established without requiring a resource consent, the district wide rules (e.g. for noise) would still apply.</p>
<p>Para 271</p>	<p>Re: Oxford-Ohoka Community Board [172.2]: rezone land around Oxford Frews' Yard and Harewood Road from GRUZ to GIZ.</p> <p>What would you envisage the process will be for this submitter (or other submitters faced with a similar recommendation) to provide a more detailed assessment in order to satisfy the rezoning criteria/considerations?</p> <p>Do you envisage this is a separate process outside this District Plan Review Hearing process?</p>
	<p>Response</p> <p>In my s42a report paragraph 271 I noted that there was no submitter evidence assessing the NPS-HPL and identified an assessment would be required under NPS-HPL 3.6(2) which requires a comparative assessment of alternative options to provide the additional business capacity. I was not able to undertake this assessment on the submitter's behalf as it required</p>

	<p>information that I did not have access to (for example considering whether there are other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market and if greater intensification of existing industrial land was possible).</p> <p>I consider that it is open to the submitter to provide the required information at the hearing, or subsequent to it if the Panel agrees.</p> <p>In paragraph 272 I recommended that a master planning exercise is undertaken for parts of south Oxford affected by submissions, including this site. I anticipate that the Council would lead this exercise as a separate process outside of the District Plan Review.</p>
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