

# DM & AD Smith Investments Ltd

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## NOTICE TO WAIMAKARIRI DISTRICT COUNCIL

### Project: 2021 District Plan changes

<b>To:</b> Waimakariri District Council	<b>Corresp. Ref No.:</b> WDC-DP2021-005
<b>Attention:</b> Submissions	<b>Date:</b> 4 June 2024
<b>Email:</b> <a href="mailto:developmentplanning@wmk.govt.nz">developmentplanning@wmk.govt.nz</a>	<b>Page:</b> 1 of 8
<b>Phone:</b> (0800) 965 468	

Copy to: Don Young, WDC – Email: [don.young@wmk.govt.nz](mailto:don.young@wmk.govt.nz)  
Matthew Bacon, WDC – Email: [matthew.bacon@wmk.govt.nz](mailto:matthew.bacon@wmk.govt.nz)  
Audrey Benbrook, WDC – Email: [audrey.benbrook@wmk.govt.nz](mailto:audrey.benbrook@wmk.govt.nz)

### Re: Hearing Stream 12A – Rezoning

Daniel Smith Submitter No. 48, Wednesday 5 June 2024 at 9am

With reference to rezoning of 'B2' land at Flaxton Road, Rangiora, I Daniel Smith provide the following written notes / submission to accompany my verbal presentation.

1. Daniel Smith made a written submission to WDC requesting that the DASI owned land at Flaxton Road Rangiora from no's 347 to 269 be rezoned to the zoning type LFRZ (large format retail zone), not the current proposed GIZ.

Note 1A – the current zone is B2.

Note 1B – in the 2024 district plan this land is identified as being zoned GIZ (general industrial zone), see DASI drawing attached A1 dated 29.5.24.

2. Some history – DASI developments:

I, Daniel Smith own and developed the 22 hectares at the 'Flaxton Road' business park. It was my initiative and consistent lobbying to WDC to provide business zoned land at Southbrook. I have been lobbying, developing and building the Flaxton Road business park since 1986.

To date, I have developed, serviced and paved some 22 hectares of B2 land and built 38 buildings with floor areas from 150m<sup>2</sup> to 2000m<sup>2</sup>. To date I have built and on-leased a total floor area of 35,000m<sup>2</sup>.

At this time, I accommodate 48 tenants who employ (as of 1 May 2024) 548 people. To date DM & AD Smith Investments Ltd (DASI) have invested \$60m in land improvements and services and constructed and leased buildings with a value of around \$35m.



...cont'd

Also of interest is that I have paid to WDC some \$1.7m in services contributions to the 315 Flaxton Road development and also paid \$1,184m towards the Flaxfern roundabout and services at my future museum / hotel retail project on the corner of Flaxton and Fernside Roads.

Note: Without DASI monetary contributions I doubt whether the Flaxfern roundabout would have been built.



I am proud of my building and development at Flaxton road. The development is an asset to the area providing much needed employment opportunities and services. A growing residential population needs places to work and shop of which the Daniel Smith development provides.

3. Some history (1980) – Smith family and Southbrook

In the 1980s my parents Anne and John Smith, (both alive at 89 years of age) owned B2 zoned land on the main road in Southbrook.

At the Main Road, Southbrook on B2 zoned land Anne and John Smith built a fruit and vegetable warehouse and leased the business to Mr Morris Barry.

The vegetable retail business was a profitable and commercial success, BUT THEN the opposition came in from Rangiora New World and their corporate owners Foodstuffs. WDC management supported these opponents and through a very prompt, nasty and negative enforcement process, the vegetable retail shop on the Main Road, Southbrook was closed using WDC planning regulations that B2 zoning (is not for retail) as the justification to close this business.

Now turn the clock forward 15 years and the very objectors to retail food business on the Main Road, Southbrook, Foodstuffs, then build the big Pak'n Save store, what a bunch of hypocrites and how wrong!!

The land that Anne and John Smith owned and were not allowed to retail from all now has substantial retail activity being Pak'n Save, Wet & Forget and the Stihl shops!!



WDC planning compliance failed us. Dad was so annoyed and pissed off that he left New Zealand and invested his substantial retirement wealth into property in North Queensland, Australia where he still resides.

I bring this historic no retail on business land issues before the hearing panel to bring to your attention that planners and bureaucrats are not always guided by good principles and situations like the Morris Barry vegetable shop enforced closure, which was a very WRONG planning decision.

4. Back in 2013, WDC in their position as land developer and vendor developed and sold land at the Southbrook, Flaxton Road / Kingsford Smith Drive business park.



**SOUTHBROOK BUSINESS PARK**

## The Details

**Opportunity**

For the first time in recent memory buyers in North Canterbury are being offered the opportunity to secure sections in a new, fully serviced business zoned subdivision. A total of 5.5ha is being offered to the market in sections ranging from just under 1,000 square metres up to a hectare or more if required. Developers, investors and business occupiers are encouraged to act quickly to secure their first choice of the available lots. All sections are fully serviced and benefit from a generous roading network ensuring excellent access and good road frontages.

Rangiora has escaped with little damage from recent earthquakes. The commercial centre of the town still throbs with business activity and life has continued for many in the town much as before. But as both residents and businesses from elsewhere in Canterbury seek new opportunities and firmer ground this community is expected to grow. Now is the ideal time to secure land in this new business park and make a positive move for the future.

**The Site**

Southbrook is the southern gateway to Rangiora and is dominated by industries such as manufacturing, warehousing, engineering, rural servicing and bulk retail. It has been the focus of most of the new commercial building activity in Rangiora in recent years. Southbrook provides convenient access to main arterial routes north and south and is just 20 kms north of Christchurch.

The development site is bounded by Flaxton Road to the east and Fernside Road to the south west. The entrance to the development is off Flaxton Road. This entrance is positioned approximately 1 kilometre from the intersection of Lineside Road, Flaxton Road and Station Road.

The Council's newly constructed stormwater retention pond is sited to the south of the site at the intersection of Fernside Road and Flaxton Road. As well as meeting the drainage needs of the new development and surrounding areas the pond adds an attractive visual amenity to the area and development.

**Zoning**

The land is Zoned Business 2 under the Waimakariri District Plan. This zone encompasses most of the commercial zoned land outside the immediate town centres of Rangiora and Kaiapoi. It caters for a range of industrial and other activities including service / retail, processing, manufacturing / associated retail, storage, repair retail, depots, and utilities. Further zoning details can be obtained from [www.waimakariri.govt.nz/services/planning-resource-consents/district\\_plan.aspx](http://www.waimakariri.govt.nz/services/planning-resource-consents/district_plan.aspx)

A survey of the Zone and planning maps are also contained in the Annexure

In the sale advertising of this property, WDC clearly advised property at this development was suitable for 'bulk retail'. I believe it would be very unethical for WDC as vendor to sell land with an allowance for retail use, to later have the land rezoned to another classification that reduced / changed their ability to operate retail!!! Noting this is the situation with the Cockram Hyundai site

5. DASI request:  
My request is relatively SIMPLE. I ask for WDC planners to include the DASI land, west Flaxton Road frontage in the new LFRZ (large format retail zone).

The area of land is the Flaxton Road frontage from tenants Laser Electrical at 347 Flaxton Road through to tenant Farmlands at 269 Flaxton Road, equalling an area 90m depth by 697m in length = 62,730m<sup>2</sup> (6.27ha), this is shown on the DASI drawing attachment A1.

In this area I have reliable, long term large format retail businesses whose activity is most suited to the LFRZ (large format retail zone).

The tenants are:

Laser Electrical & Plumbing
The Sport Shop
Nicols 100% Electrical
Hunting & Fishing
Floor Pride
Redpath Electrical
EcoQuip (Bike sales)
Farmsource
BNT Automotive sales
Pie Bin
ICON Boats
ICS Machinery
Lineside Auto
Brand Mowers
Farmlands CRT



The area could also include the Hyundai agents of which is the Cockram Family ownership and I understand that Cockram made a submission requesting LFRZ for this property.

6. The boundary line between LFRZ and the GIZ zone can easily be defined on titles as WDC is requesting DASI to subdivide the Flaxton Road development of 22 hectares into smaller lots and to vest the roads and footpaths to WDC. WDC's Mr Don Young is managing this process and all is proceeding well. Please refer to the attached WDC subdivision plan B1.
7. A precedent has been set:  
 In the 2021/2024 district plan maps, WDC planners have already allocated / rezoned the east side of Flaxton Road to LFRZ. A precedent has been set in that it is OK for land used as a refuse / recycling / engineering / transport business to be approved / rezoned to LFRZ, yet across the road, land that is currently zoned B2 and occupied by large format retail activity IS NOT included in the LFRZ area! Surely LFRZ is the best suited zoning for the DASI west Flaxton Road land.
8. Also land at McAlpines has now been included in the LFRZ area. Can one explain what is the difference between McAlpines activity / business of bulk retail and the DASI retail activity like Hunting & Fishing / Farmlands / 100% electrical and the like. Pretty much similar activity, the customer buys a gate or a tool or gardening product from either location but one is LFRZ and one is in GIZ? This is nonsense.

For the record DASI support the rezoning of McAlpines / Pak'n Save / Cockram Hyundai and the east Flaxton Road land to LFRZ, it is a good decision. All I request is the Flaxton Road west land also be zoned LFRZ.

9. This zoning will provide existing retail tenants the long term ability to trade without the cost and inconvenience and worry of having to go through the resource consent planning process.

10. Tenancies move from High Street, Rangiora to Flaxton Road:

It is relevant that DASI have tenants that were previously situation in the High Street, Rangiora retail zones and have relocated to the DASI Flaxton Road development.

Farmlands (previously CRT) moved to Flaxton Road on 1 April 2012. Management advise it was one of their better decisions and the monetary turnover of the store has over doubled. Farmlands also state the High Street, Rangiora shop had congestion / traffic problems whereas the Flaxton Road space has lots of parking. They are also most appreciative of WDC's Flaxton Road improvements which are working well.

Other tenants that moved from High Street, Rangiora to Flaxton Road are:

- Floor Pride
- The Sports Shop
- Wilson Print
- 100% Electrical

These tenants also advise of significant additional trade since their relocation.

It is pretty obvious that the Flaxton Road zoning LFRZ is the best and correct zoning for these businesses.

11. I now refer you to the section 32 report dated 18 December 2021. Item 5.5.1.1 Southbrook Industrial Area:

5.5.1.1 Southbrook Industrial Area Consistent with the criteria above (and in response to targeted stakeholder comments), the area containing Pak 'n' Save and Mitre 10 Mega have been rezoned to Large Format Retail Zone. The new zone better recognises existing activities on these sites and provides for future LFR development, whilst maintaining acceptable amenity at site boundaries. In addition, vacant greenfield and adjacent underdeveloped land fronting Flaxton and Lineside Roads has been rezoned to Large Format Retail Zone as the area provides significant development potential in a location with good transport links and visibility (and responds to targeted stakeholder comments). It also responds to the identified mid-term shortfall in LFR land identified in the supporting market economics report. Other parts of the Southbrook industrial area fronting Flaxton Road and Lineside Road have a mixture of activities comprising permitted industrial activities consistent with the zone and other activities Proposed Waimakariri District Plan Section 32 (Commercial and Industrial) TRIM: 201021141310 Page 35 of 83 established through resource consent (usually large format retail). When considering appropriate zones for this area in the proposed plan the zone could either be General Industrial (a continuation of the existing zone), with the consented activities relying on their resource consent, or changed to a Large Format Retail Zone that aligns with many of the consented activities, but which could undermine the existing industrial activities (for example, either through the rules being less permissive for these activities or through reverse sensitivity effects occurring). Complicating this matter, with mixed activities occurring over a large geographic area it is sometimes difficult to delineate an acceptable zone boundary. In the absence of clear and comprehensive owner / operator advice the Council has decided to consider any zoning requests for these areas through the formal submission process. This will enable zoning decisions to be made with knowledge of all other areas also seeking re-zoning through the submission process.

The above planner report advises that LFRZ better recognises the existing activities. The majority of existing activity on DASI Flaxton Road west is bulk retail. It is my opinion the report is therefore supportive of LFRZ on the DASI Flaxton Road frontage property.

With regard acceptable zone boundaries, I advise the DASI / WDC in place land subdivision process can accommodate title boundaries between the two zones LFRZ and GIZ.

12. Other LFRZ zones:

WDC planners have rezoned other areas in WDC to the LFRZ zone and in particular I refer you to the Kaiapoi (River) SH1 / motorway land and the Pegasus and Ravenswood developments.

It is my opinion that planners and WDC have completely forgotten about the earthquake / flood and land liquefaction in these areas of which ground conditions are coastal low lying and on silt sand / high water table land. Time will tell but as a substantial investor in commercial property around Canterbury, I would NOT build on these sites because of insurance cost issues (land substance and liquefaction action / flood risk).

It is of relevance that for the Kaiapoi and Christchurch earthquake events and as the owner of over 100 commercial properties, DASI had NO / ZERO earthquake claims.

13. It is of interest that on 16 September 2015 I had a visit / meeting at my Flaxton Road office with

- WDC's Shelly Thompson
- Planning Matters's Andrew Willis
- ENC's Tom McBrearty

At this meeting I suggested and later provided letters ref. DS-WDC-074 and 075 regarding the suggestion to rezone both sides of Flaxton Road as LFRZ. It is most disappointing and surprising that planners listened and agreed with me that neighbouring land being zoned LFRZ BUT rejected (did not recommend) DASI (my land) to be rezoned LFRZ, why??

14. DM & AD Smith Investments Limited have the funding and ability to own, design, develop and build commercial, retail and residential developments. I am wanting to continue growing the DASI property business. DASI have plans in progress for the following:

- Flaxfern Automotive museum hotel / retail project
- Building on Flaxton road / Kingsford Smith Drive business park and Southern Cross Road
- And to complete subdivision and build of air park commercial hangars and residential at Rangiora Airfield

I am most prepared and have the financial capacity to invest (over \$100m into these projects over a 10 year period). All will be of value and provide employment and commercial growth opportunities to the Waimakariri District. All I ask is for WDC and planners to be supportive, cooperative and to minimise unnecessary bureaucratic cost.

I look forward to a favourable outcome.



Daniel Smith

*Attachments:*

A1 – DASI drawing / tenant locations

B1 – WDC subdivision plan

Rangiora Industrial Properties	
Laser Electrical	347a Flaxton Road
Laser Plumbing	347b Flaxton Road
Vehicle Testing NZ	347d Flaxton Road
The Sports Shop	345a Flaxton Road
NC Sports & Recreation Trust	345b Flaxton Road
Nicols Appliances	343a Flaxton Road
Hunting & Fishing	343b Flaxton Road
Floor Pride	343c Flaxton Road
Complete Auto Glass	343d Flaxton Road
Orizen Tyres	343e Flaxton Road
Redpath	341a Flaxton Road
Badges & Medals	341b Flaxton Road
Wilson Print	341c Flaxton Road
Badges & Medals	341d Flaxton Road
Pebble Beach Upholstery	341e Flaxton Road
Waimak Tyres	341f Flaxton Road
RD1 Limited	333 Flaxton Road
Nairn Electrical	333b Flaxton Road
Canys Detailing	331a Flaxton Road
Clyne & Bennie	331b Flaxton Road
Dr Trans	331c Flaxton Road
Canvas Plus Limited	331d Flaxton Road
MC Construction	327a Flaxton Road
Burbidge Automotive	325 Flaxton Road
Allied - Truckstop	323 Flaxton Road
BNT - Brake & Transmission	319 Flaxton Road
Pie Bin	317a Flaxton Road
BG Contracting	317b Flaxton Road
Daniel Smith Industries	315 Flaxton Road
Cowan Trailers	311 Flaxton Road
Brook Trucks	307 Flaxton Road
ICON Marine Manufact.	305a + 305b Flaxton Road
ICS Manufacturing	303 Flaxton Road
Lineside 4x4 & Accessories	299/ 299a Flaxton Road
Promax Plastics	279 Flaxton Road
Transport Rangiora	279b Flaxton Road
Brand Mowers	275 Flaxton Road
CRT / Farmlands	269 Flaxton Road
Moddex	32 Kingsford Smith Drive
Power Turf	30 Kingsford Smith Drive
Rayonier	13 Kingsford Smith Drive
PGG Irrigation	1 Southern Cross Road
Westimber	4 & 6 Southern Cross Road
DGI Morgan	5 Southern Cross Road
KiwiGas	7 Southern Cross Road
Moddex	8 Southern Cross Road
McConnell Dowell	9 Southern Cross Road

CURRENT LEASE TOTALS (Exclusive of GST)

NOTE:  
1. INTERNAL BOUNDARY DIMENSIONS ARE APPROXIMATE ONLY

Amendments	Rev'n	Date	Drawn	Issued for	Checked	Approved	Date
NOTES ADDED, DRAINAGE EASEMENT NOMINATED	4	20/04/16	RVE	PRELIMINARY			
MINOR AMENDMENTS TO INTERNAL BOUNDARIES	3	13/04/16	RVE	PRELIMINARY			
APPROXIMATE INTERNAL BOUNDARY DIMENSIONS ADDED	2	13/04/16	RVE	PRELIMINARY			
PRELIMINARY ISSUE	1	12/04/16	RVE	PRELIMINARY			

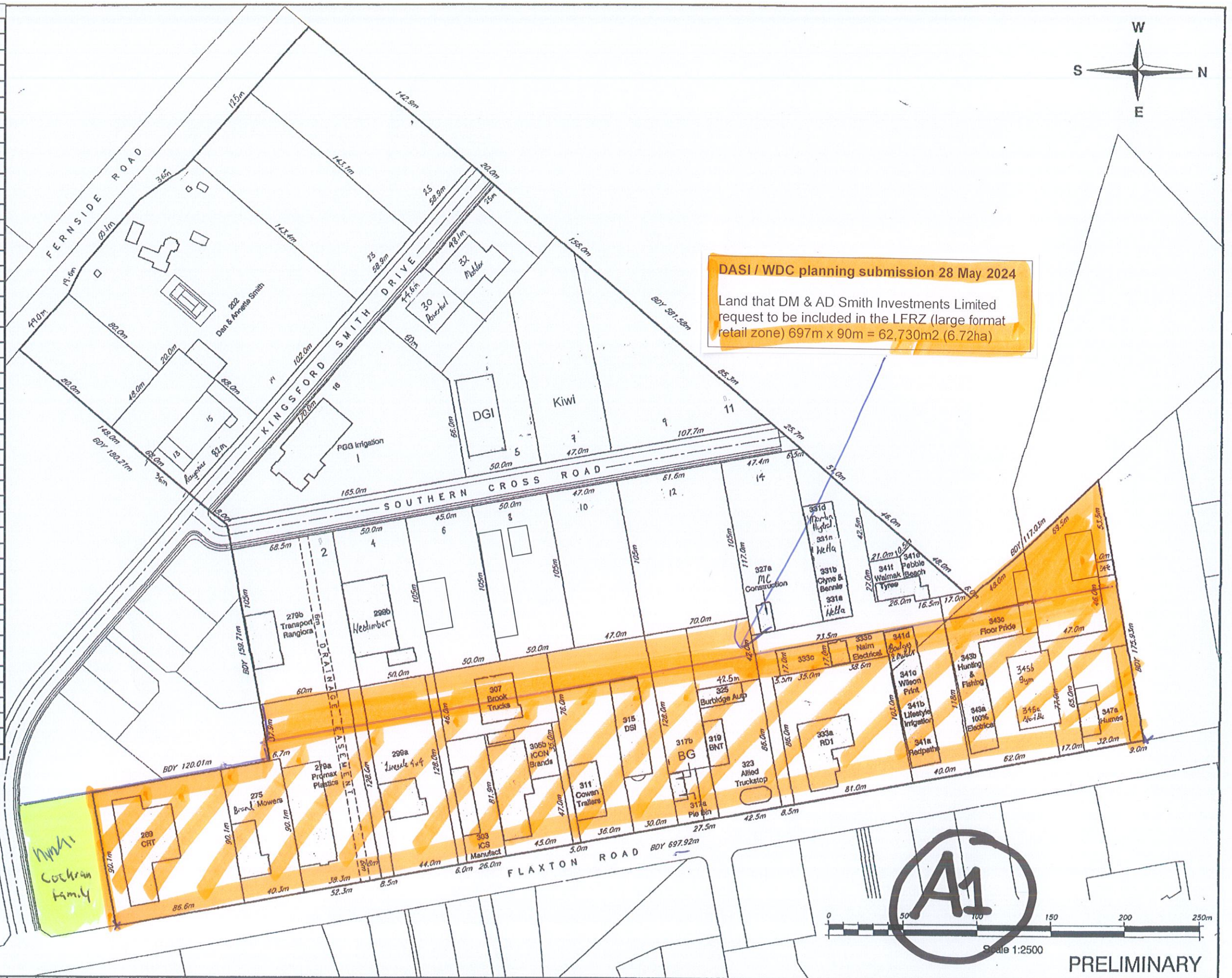
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**DM & AD SMITH INVESTMENTS LIMITED**  
 TENANCY LAYOUT PLAN

Scale (A3)	ACAD Filename
1:2500	160202/DR-160202-900A
Drawing No.	Rev.
DR-160202-900	4



WDC DP 2024 - 005 - 29.5.24

WAIMAKARIRI DISTRICT COUNCIL  
 - APPROVED APPLICATION -  
 RC225232 & RC225233  
 APPROVED by Authorised Officer  
 Ian Carstens 14/09/2022



**KEY:**

- EXISTING EASEMENTS
- NEW EASEMENTS D & K - RIGHT TO DRAIN WATER
- EASEMENT J TO BE SURRENDERED - RIGHT TO DRAIN WATERS AND COVEY SERVICES
- PROPERTY BOUNDARIES

**NOTES:**

- BOUNDARY AND EASEMENT DATA ARE AS PER LT 577218 PROVIDED BY WOOD & PARTNER CONSULTANTS LTD DATED 29/06/2022
- IMAGERY SOURCED FROM ARCGIS ONLINE DATABASE (<http://services.arcgisonline.com/arcgis/services>) DATED 03/09/2021

**DASI / WDC planning submission 28 May 2024**

Letter ref. WDC-DP2021-005, WDC proposed subdivision boundary and DASI suggested boundary between LFRZ (large format retail zone) and GIZ (general industrial zone)

PROJECT TITLE

**ADDITIONAL DEVELOPMENT WORKS**

SHEET TITLE

**PROPOSED SUB-DIVISION LOTS FOR DM & AD SMITH INVESTMENTS LTD**

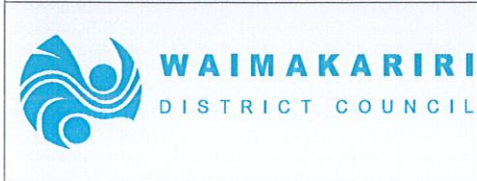
PROJECT No.

FILE No.

SHEET No. 1

PLAN No. **4271**

ISSUE A B C D E F



ISSUE	AMENDMENT	APPD.	DA
A	FOR LEGAL AGREEMENT	KG	10/02
B	DRAFT SURVEY PLAN	AK	09/05
C	SURVEY PLAN - WOODS DETAILED LOT SETOUT - A1	AK	06/07

**B1**