

ASHBURTON DISTRICT PLAN

PLAN CHANGE 5

Transportation

**PLANNING OFFICER'S REPORT UNDER SECTION 42A OF THE RESOURCE
MANAGEMENT ACT 1991**

Final - 27 November 2023

TABLE OF CONTENTS

1	EXECUTIVE SUMMARY	6
2	INTRODUCTION.....	8
2.1	REPORTING OFFICER.....	8
2.2	THE PURPOSE AND SCOPE OF THIS REPORT	8
3	PLAN CHANGE 5 OVERVIEW	9
3.1	BACKGROUND TO THE PLAN CHANGE.....	9
3.2	SUMMARY OF THE PLAN CHANGE	10
4	STATUTORY CONSIDERATIONS.....	11
4.1	THE RESOURCE MANAGEMENT ACT 1991	11
5	STATUTORY AND OTHER INSTRUMENTS	12
5.1	NATIONAL POLICY STATEMENT.....	12
5.2	REGIONAL POLICY STATEMENT	12
5.3	IWI MANAGEMENT PLANS (IMP)	12
6	ASHBURTON DISTRICT PLAN	13
6.1	OVERVIEW	13
7	MATTERS RELEVANT TO THE PLAN CHANGE PROPOSAL.....	13
7.1	ISSUES RAISED IN SECTION 32 REPORT	13
7.2	ELECTRIC VEHICLE CHARGING STATIONS	13
8	ANALYSIS AND EVALUATION OF SUBMISSIONS.....	13
8.1	OVERVIEW OF SUBMISSIONS AND FURTHER SUBMISSIONS	13
8.2	OUT-OF-SCOPE SUBMISSIONS	14
	<i>Submissions requiring consideration of scope</i>	<i>14</i>
8.3	ANALYSIS OF SUBMISSIONS.....	19
	<i>Pre-hearing discussion with submitters.....</i>	<i>19</i>
8.4	ISSUE 1 – HIGH TRIP GENERATING ACTIVITIES – WAKA KOTAHI (S2.2, S2.3, S2.4, S2.5, S2.6); MINISTRY OF EDUCATION (S3.1, S3.2, S3.3, S3.4, S3.5); THE FUEL COMPANIES (S5.2, S5.3, S5.4, S5.5, S5.6); CANTERBURY REGIONAL COUNCIL (FS1.1, FS1.2, FS1.4, FS1.5, FS1., FS1.7, FS1.8, FS1.9)	21
	<i>Policy 10.3H Promotion of transport choice</i>	<i>21</i>
	<i>Discussion with submitters</i>	<i>21</i>
	<i>Analysis.....</i>	<i>22</i>
	<i>Recommendation.....</i>	<i>23</i>
	<i>Policy 10.4E Management of adverse effects.....</i>	<i>24</i>
	<i>Discussion with submitters</i>	<i>24</i>
	<i>Analysis.....</i>	<i>25</i>
	<i>Recommendation.....</i>	<i>25</i>
	<i>Policy 10.4F Promotion of positive effects.....</i>	<i>26</i>
	<i>Discussion with submitters</i>	<i>26</i>
	<i>Analysis.....</i>	<i>26</i>
	<i>Recommendation.....</i>	<i>27</i>

	10.6.4 Reasons for Rules - Roading	28
	Analysis.....	28
	Recommendation.....	28
	Rule 10.8.1 High Traffic Generating Activities.....	29
	Discussion with submitters	30
	Analysis.....	30
	Recommendation.....	31
	Table 10-1 Thresholds for High Traffic Generating Activities	32
	Discussion with submitters	33
	Expert transport comment.....	33
	Analysis.....	34
	Recommendation.....	34
8.5	ISSUE 2 – DEFINITION OF TRANSPORT NETWORK – KIWIRAIL HOLDINGS LTD (S4.2); CANTERBURY REGIONAL COUNCIL (FS1.3)	35
	Definition of transport network.....	35
	Discussion with submitters	35
	Analysis.....	35
	Recommendation.....	36
8.6	ISSUE 3 – ELECTRIC VEHICLE CHARGING STATIONS – THE FUEL COMPANIES (S5.1, S5.7); CANTERBURY REGIONAL COUNCIL (FS1.4, FS1.10)	37
	Electric vehicle charging	37
	Discussion with submitters	37
	Comment on scope	38
	Analysis.....	38
	Recommendation.....	38
	Analysis if commissioner considers in scope.....	38
	Recommendation if commissioner considers in scope.....	39
8.7	ISSUE 4 – QUEUING SPACES ON ENTRY TO SERVICE STATION SITES – THE FUEL COMPANIES (S5.8); CANTERBURY REGIONAL COUNCIL (FS1.11)	40
	Queuing spaces on entry to service station sites	40
	Discussion with submitters	40
	Analysis.....	40
	Recommendation.....	41
8.8	ISSUE 5 - APPROVE THE PLAN CHANGE/POLICY 10.1E/RULE 10.8.6/TABLE 10-5/10.10.1 – CANTERBURY REGIONAL COUNCIL (S1.1); KIWIRAIL HOLDINGS LTD (4.1); WAKA KOTAHI (S2.1); MINISTRY OF EDUCATION (S3.6, S3.7, S3.8)	43
	Support the plan change as notified.....	43
	Recommendation.....	43
	Policy 10.1E Walking and Cycling; Rule 10.8.6 Cycle parking; Table 10-5 Minimum Cycle Parks; 10.10.1 Assessment Matters	44
	Recommendation.....	44
9	SECTION 32 AND 32AA EVALUATION	45
10	CONCLUSIONS AND RECOMMENDATIONS	45

APPENDIX 1 – PLAN CHANGE 5 AS NOTIFIED AND SECTION 32 EVALUATION	46
APPENDIX 2 – SECTION 32AA EVALUATION.....	48
APPENDIX 3 – TRANSPORT EVIDENCE FROM MR. ANTONI FACEY (AVANZAR CONSULTING).....	50
APPENDIX 4 - TABLE OF SUBMISSIONS WITH RECOMMENDATIONS AND REASONS.....	52
APPENDIX 5 - PC 5 - DISTRICT PLAN TEXT AMENDMENTS WITH RECOMMENDED CHANGES	60

LIST OF ABBREVIATIONS

CRPS	Canterbury Regional Policy Statement
IMP	Iwi Management Plans
NPS UD	National Policy Statement on Urban Development 2020
PC5/ the plan change	Proposed Plan Change 5
RMA / the Act	Resource Management Act 1991
s32 / s32AA	Section 32 evaluation / Section 32AA evaluation
the Council	Ashburton District Council
the Plan/the District Plan	Ashburton District Plan

1 EXECUTIVE SUMMARY

- 1.1.1 I have been asked by the Council to prepare this report pursuant to section 42A of the Resource Management Act 1991 (**the Act/RMA**). The report considers the issues raised by submissions to Council initiated Plan Change 5 (**the plan change / PC5**) to the Ashburton District Plan (**the Plan**).
- 1.1.2 This report forms part of the Council's ongoing reporting obligations to consider the appropriateness of the proposed provisions; the benefits and costs of any policies, rules or other methods; and the issues raised in submissions on PC5. In addition to this report, the Section 32 and Section 32AA Reports and associated documentation related to PC5 (**Appendices 1 and 2**) should be considered.
- 1.1.3 The discussion and recommendations included in this report are intended to assist the Hearing Commissioner and submitters on PC5. The recommendations contained within this report are not the decision of the Hearing Commissioner.
- 1.1.4 Plan Change 5 covers the following areas:
- a. Consequential amendments to various sections resulting from the implementation of the National Policy Statement on Urban Development
 - b. Provision of mobility parking and cycle parking standards
 - c. Provision for the assessment of high trip generating activities
 - d. Updates to the Rooding Hierarchy tables in the Transportation section.
- 1.1.5 The standard RMA Schedule 1 process is being followed in developing this plan change. The removal of minimum car parking requirements to implement the NPS UD has already taken place in February 2022 without using the Schedule 1 process.
- 1.1.6 Five submissions were received on PC5. Of these, two submitters support PC5, and three submissions support PC5 but seek amendments. The main issues raised by the submitters are:
- a. Issue 1: High Trip Generating Activities
 - b. Issue 2: Definition of Transport Network
 - c. Issue 3: Electric Vehicle Charging Stations
 - d. Issue 4: Queuing Spaces on Entry to Service Station Sites

e. Issue 5: Approve the Plan Change

- 1.1.7 Having considered the notified plan change material, the submissions and further submissions received, and the findings of the Council's transport expert, I have evaluated the proposal and recommend that PC5 be approved with amendments. The Plan provisions with recommended amendments are included in **Appendix 5**. In accordance with the further evaluation undertaken under section 32AA of the RMA, I consider that the provisions with recommended amendments are the most appropriate way to achieve the objectives of the Plan and the purpose of the RMA.

2 INTRODUCTION

2.1 REPORTING OFFICER

- 2.1.1 My full name is Nicholas Roy Law. I am employed as a Senior Planner in the Planning Team, Compliance and Development unit, of the Ashburton District Council (**the Council**). I have been in this position since 2021.
- 2.1.2 I hold a Bachelor of Environmental Planning degree from the University of Waikato. I am also an Intermediate Member of the New Zealand Planning Institute.
- 2.1.3 I have seven years' experience in planning and resource management in New Zealand, having previously worked as a Policy Planner for the Christchurch City Council and as a Resource Management Planner for the Waimakariri District Council.
- 2.1.4 I was one of the principal authors of the plan change, together with Avanzar Consulting, and I was the principal author of the s32 report.
- 2.1.5 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and I agree to comply with it. I confirm I have considered all the material facts I am aware of that might alter or detract from the opinions that I express. I confirm this evidence is within my area of expertise, except where I state I am relying on the evidence of another person. I am authorised to give this report on behalf of the Council.

2.2 THE PURPOSE AND SCOPE OF THIS REPORT

- 2.2.1 This report has been prepared in accordance with Section 42A of the RMA to assist the Hearing Panel in considering the issues raised by submissions and further submissions to PC5. It makes recommendations on PC5 and submissions and further submissions received on it. Where I recommend substantive changes to the Plan Change provisions, I provide an assessment of those changes in terms of Section 32AA of the RMA.
- 2.2.2 The purpose of this report is to:
- a. highlight relevant information and issues regarding Plan Change 5, in terms of the statutory requirements;
 - b. consider the issues raised and the relief sought in submissions and further submissions, and then make recommendations on whether to accept or reject each submission and further submission point. Where appropriate, this report groups submission points that address the same provision or subject matter.

- 2.2.3 My recommendations as to acceptance, acceptance in part or rejection of the submissions and further submissions received can be found in **Appendix 4** – Table of Submissions with Recommendations and Reasons.
- 2.2.4 The scope of this report includes:
- a. An overview of Plan Change 5, including background and a brief summary of matters relevant to the plan change;
 - b. Statutory considerations and instruments as outlined in the Section 32 report;
 - c. Overview of the relevant Ashburton District Plan Objectives;
 - d. Matters relevant to the Plan Change;
 - e. An overview, analysis and evaluation of submissions and further submissions received, and recommendations;
 - f. Comment on the s32 assessment; and
 - g. Conclusions and recommendations.
- 2.2.5 In addition to considering the Section 32 report and the submissions, I have taken into account the advice and recommendations of the following experts:
- a. Antoni Facey (Avanzar Consulting) – Transport – (refer to **Appendix 3**)
- 2.2.6 As required by Section 32AA, a further evaluation of recommended changes (including reasonably practicable alternatives) to the amendments proposed in Plan Change 5 has been undertaken and is attached in **Appendix 2**.
- 2.2.7 Any conclusion and recommendations made in this report are my own and are not binding upon the Hearing Commissioner or the Ashburton District Council in any way. The Hearing Commissioner is required to consider all submissions and evidence presented at the hearing. It should not be assumed that the Hearing Commissioner will reach the same conclusions as I have when they have heard and considered all of the evidence presented.

3 PLAN CHANGE 5 OVERVIEW

3.1 BACKGROUND TO THE PLAN CHANGE

- 3.1.1 Plan Change 5 was developed in response to identified gaps in the existing Ashburton District Plan transport provisions, in part arising from the implementation of the National Policy Statement on Urban Development 2020 (NPS-UD). As well as a request from Council’s Transportation Team to update the Roding Hierarchy Table in the Transportation Section of the District Plan.

- 3.1.2 Some amendments to the Ashburton District Plan are needed in response to the removal of the minimum off-street parking standards required under the NPS-UD in February 2022. This change has left some potential gaps in the management of off-street parking such as the design requirements for parking areas, where these are provided.
- 3.1.3 The updating of the mobility and cycle parking standards, and the introduction of requirements for high traffic generating activities are needed to ensure that the Plan remains a leading ‘best practice’ document, and to ensure alignment with and give effect to recent Council strategies such as the Walking and Cycling Strategy and District Parking Strategy.
- 3.1.4 There is currently a gap in ability to manage the effects of high traffic generating activities, and to promote travel by modes other than by private motor vehicle. High traffic generating activities are currently not required to assess the transport effects of the proposal and this may individually or cumulatively lead to adverse safety and efficiency effects on the transport network. Neighbouring local authorities are proposing to manage high trip generating activities in their replacement plans and there is an opportunity to provide consistency in plan requirements.
- 3.1.5 In preparation of the Plan Change discussions were held with CCS Disability Action (regarding mobility standards), Spokes Canterbury (regarding cycle standards) and the Council Roding team. The feedback received helped to clarify the issues, and to inform the development of the proposed provisions.
- 3.1.6 Plan Change 5 was developed by the Council to address the issues arising. The key considerations relevant to the plan change have been discussed in the Section 32 report accompanying the plan change.

3.2 SUMMARY OF THE PLAN CHANGE

- 3.2.1 Plan Change 5 covers five discreet transportation related topics within the Ashburton District Plan. They are:
- a. Consequential changes resulting from the NPS-UD
 - b. Mobility Parking
 - c. Cycle Parking
 - d. High Trip Generating Activities
 - e. Update to Roding Hierarchy
- 3.2.2 The changes can be further described as follows:

- a. It is proposed to delete the word “required” in rule 10.8.4 to give staff the ability to ensure that all parking spaces are designed to appropriate dimensions.
- b. It is proposed to add to rule 10.8.12 the queuing length requirements, which were removed as part of the minimum parking standards in February.
- c. It is proposed to change rule 10.8.3 Mobility Parking to achieve two key things. It ensures that larger scale activities (over 2,500m²) which choose to provide no car parking will still be required to provide mobility parking. Basing the mobility parking rate on the floor area is an approach suggested by NPS-UD guidelines as a way of calculating the requirement when no other car parking is provided. It also ensures that mobility parking is provided even where 1-9 car parks are provided (except for residential activities or small-scale visitor accommodation such as a B&B). This change is recommended to bring the Plan in line with current best practice and the Building Code.
- d. It is proposed that that the plan is amended so that cycle parking requirements are tied to the nature and scale of the activity taking place. This will ensure that cycle parking provision is not removed or reduced, should car parking provision decrease.
- e. It is proposed as part of this this Plan Change to include a rule that allows for the assessment of the transport effects of activities which generate significant traffic. New or expanded activities of a certain scale would be classified as ‘high traffic generators’, for example schools with more than 70 students or industrial activities larger than 5,000m² GFA. Activities which trigger the threshold would require a resource consent application including an Integrated Transport Assessment (ITA). Developers of high trip generating activities would be encouraged to consider transport effects and opportunities at the design stage of the proposal.
- f. Since the Roding Hierarchy is required to be updated on an ongoing basis as and when required, it is proposed to update the Roding Hierarchy in the District Plan to reflect the current Hierarchy as maintained by Council.

3.2.3 A copy of the notified plan change is contained in **Appendix 1**.

4 STATUTORY CONSIDERATIONS

4.1 THE RESOURCE MANAGEMENT ACT 1991

4.1.1 The section 32 report included in **Appendix 1** provides an outline of the key RMA matters to be considered by the plan change. I agree with the summary in that report.

- 4.1.2 The statutory requirements of the Resource Management Act 1991 (**RMA**) are summarised in the decisions of *Long Bay-Okura Great Park Society Incorporated v North Shore City Council*¹ and *Colonial Vineyard Limited v Marlborough District Council*².

5 STATUTORY AND OTHER INSTRUMENTS

5.1 NATIONAL POLICY STATEMENT

- 5.1.1 The National Policy Statement on Urban Development (**NPS UD**) requires councils to remove unnecessary constraints to and plan well for growth, both up and out, and ensure a well-functioning urban environment. Policy 11 is of particular relevance to Plan Change 5. It requires that “the district plans of tier 1, 2 and 3 territorial authorities do not set minimum car parking rate requirements other than for accessible car parks” (Policy 11 clause a). Part 3 clause 3.38 of the NPS UD achieves Policy 11 by directing those territorial authorities to change their district plan to remove any objectives, policies, rules, or assessment criteria that have that effect. The implication for PC5 is that the setting of minimum car parking requirements is not an option for the regulation of activities in the District Plan. The current District Plan provisions relating to design and formation of parking areas, through reference to ‘required’ parking, rely on rules setting minimum parking requirements, in order to be effective. Now that minimum parking requirement rules have been removed from the plan, these provisions are no longer effective.
- 5.1.2 The s32 report contains a copy of the relevant parts of the NPS UD and considers the appropriateness of the proposed change in giving effect to it. I agree with that assessment.

5.2 REGIONAL POLICY STATEMENT

- 5.2.1 The Canterbury Regional Policy Statement (**CRPS**) provides an overview of the resource management issues in the Canterbury region, and the objectives, policies and methods to achieve integrated management of natural and physical resources. These methods include directions for provisions in district plans.
- 5.2.2 The s32 report contains a copy of the relevant parts of the CRPS and considers the appropriateness of the proposed change in giving effect to it. I agree with that assessment.

5.3 IWI MANAGEMENT PLANS (IMP)

¹ [Long Bay-Okura Great Park Society Inc v North Shore City Council ENC Auckland A078/08, 16 July 2008](#), at [34].

² [Colonial Vineyard Ltd v Marlborough District Council \[2014\] NZEnvC 55](#), at [17].

- 5.3.1 The Iwi Management Plan of Kāti Huirapa and the Mahaanui Iwi Management Plan provide a policy framework for the protection and enhancement of Ngāi Tahu values, and for achieving outcomes that provide for the relationship of Ngāi Tahu with natural resources.
- 5.3.2 The s32 report contains a copy of the relevant parts of the IMP and considers the appropriateness of the proposed change in giving effect to them. I agree with that assessment.

6 ASHBURTON DISTRICT PLAN

6.1 OVERVIEW

- 6.1.1 The relevant district plan provisions also need to be considered in preparing a plan change and considering any submissions on the change. The section 32 report attached to Plan Change 5 contains an evaluation of the notified proposal against the relevant District Plan objectives and policies. I agree with the assessment carried out, except in regard to the changes I am proposing, which I have assessed in the s32AA report in **Appendix 2**.

7 MATTERS RELEVANT TO THE PLAN CHANGE PROPOSAL

7.1 ISSUES RAISED IN SECTION 32 REPORT

- 7.1.1 The S32 report (included in **Appendix 1**) provides a description of the issues being addressed by this plan change on. I adopt the description of issues in that report.

7.2 ELECTRIC VEHICLE CHARGING STATIONS

- 7.2.1 The Fuel Companies submitted that electric vehicle charging stations, when added to existing car parks, should be a permitted activity. This and other submissions are evaluated in section 8 below.

8 ANALYSIS AND EVALUATION OF SUBMISSIONS

8.1 OVERVIEW OF SUBMISSIONS AND FURTHER SUBMISSIONS

- 8.1.1 The plan change was notified on 23rd March 2023, with submissions closing on 28th April 2023. Further submissions were invited from 1st June 2023 and closed 16th June 2023. For Plan Change 5, the Council received five submissions (numbered as **SX**) requesting twenty-five separate decisions (submission points numbered as **SX.Y**). These attracted eleven further submissions points from one submitter, opposing or supporting the decisions requested in the first round of submissions (each further submission point numbered as **FSX.Y**). Copies of submissions relevant to Plan Change 5 can

be viewed on the Council website at <https://www.ashburtondc.govt.nz/home-and-property/planning-guidance-and-resource-consents/notifications>.

8.1.2 Two submissions express their support for the plan change as notified. Three submissions support the plan change but seek amendments to the version notified. Some of the decisions requested have been supported or opposed by further submission points.

8.1.3 The points made and decisions sought in submissions and further submissions can be grouped according to the issues raised, and have been grouped under the following headings:

- Issue 1: High Trip Generating Activities
- Issue 2: Definition of Transport Network
- Issue 3: Electric Vehicle Charging Stations
- Issue 4: Queuing Spaces on Entry to Service Station Sites
- Issue 5: Approve the Plan Change

8.2 OUT-OF-SCOPE SUBMISSIONS

8.2.1 The submissions **S4.2** by **KiwiRail Holdings Ltd** and **S5.1** and **S5.7** by **The Fuel Companies** need to be assessed for whether they are within the scope of the plan change, as they propose new provisions or definitions that were not included in the notified changes.

Submissions requiring consideration of scope

Sub. No.	Submitter name	Summary of relief sought	Scope
S4.2	KiwiRail Holdings Ltd	<p>KiwiRail Holdings Ltd (KiwiRail) seek to introduce a definition for transport network, to make it clear that the rail network is part of the transport network:</p> <p><u>Transport Network</u> <u>Transport networks and operations in the Ashburton district of national or regional significance including:</u></p> <p>a) <u>State highways;</u> b) <u>Arterial roads;</u> c) <u>Rail networks and systems; and</u> d) <u>The region's core public passenger transport operations.</u></p>	Within scope of the plan change
S5.1	The Fuel Companies	<p>The Fuel Companies seek to add a new policy for electric vehicle charging stations as follows:</p> <p><u>Policy 10.1G</u> <u>Enable electric vehicle charging stations to serve existing car parks.</u></p>	Partly in scope of the plan change
S5.7	The Fuel Companies	<p>The Fuel Companies seek to include a new provision for electric vehicle charging stations as follows:</p> <p>Provide a permitted activity pathway for EV charging stations. This could be achieved as set out below. The Fuel Companies are open to alternative rules to achieve the same intent.</p> <p><u>Electric Vehicle Charging Stations</u></p> <p><u>The installation of a new, or replacement of existing, electric vehicle charging stations is a permitted activity, provided that the charging unit does not exceed:</u></p> <p>- <u>2.5m in height</u> - <u>10m² in footprint</u></p>	Partly in scope of the plan change

8.2.2 If a submission point is not "on" the plan change and falls outside the scope of the plan change, then the Council cannot consider it. The High Court in *Clearwater Resort Limited v Christchurch City Council*³ identified two limbs requiring consideration of whether a submission is "on" a plan change:

- a. A submission can only fairly be regarded as "on" a variation if it is addressed to the extent to which the variation changes the pre-existing status quo.
- b. But if the effect of regarding a submission as "on" a variation would be to permit a planning instrument to be appreciably amended without real opportunity for participation by those potentially affected, this is a powerful consideration against any argument that the submission is truly "on" the variation.

³ *Clearwater Resort Ltd v Christchurch City Council* AP 34/02, 14 March 2013, Young J

- 8.2.3 The above two limb test for assessing whether a submission is "on" a plan change was also described by the High Court in *Palmerston North City Council v Motor Machinists Limited* as follows⁴:
- a. The first limb requires that submissions must reasonably be said to fall within the ambit of the plan change. One way of analysing that is to ask whether the submission raises matters that should have been addressed in the s32 evaluation and report. If so, the submission is unlikely to fall within the ambit of the plan change. Another is to ask whether the management regime in a district plan for a particular resource (such as a particular lot) is altered by the plan change. If it is not then a submission seeking a new management regime for that resource is unlikely to be "on" the plan change. However, incidental or consequential extensions of zoning changes proposed in a plan change are permissible, provided that no substantial further s32 analysis is required to inform affected persons of the comparative merits of that change.
 - b. The second limb asks whether there is a real risk that persons directly or potentially directly affected by the additional changes proposed in the submission have been denied an effective response to those additional changes in the plan change process.
- 8.2.4 I consider the submission point **S4.2** by **KiwiRail Holdings Ltd** falls within the scope of the plan change because the key concern expressed in the submission is that the rail network needs to be considered as part of the transport network. This is "on" the plan change in the sense that the management of high trip generating activities is also relevant to the management of effects on the rail network, as part of the transport network. If the proposed text amendments by **KiwiRail Holdings Ltd** were the only relevant matter for consideration, then the submission would be out of scope. This is because the proposed text amendments would substantially change the effect of the existing transport provisions in the Plan, by excluding local roads from the definition of transport network.
- 8.2.5 Overall, submission point **4.2** by **KiwiRail Holdings Ltd** can be treated as within scope.
- 8.2.6 The submission points **S5.1** and **S5.7** by **The Fuel Companies** seek to add a new policy and permitted pathway for electric vehicle charging stations. To an extent, the proposed provisions are related to the Plan Change, because they relate to the provision of electric vehicle charging stations as part of a high trip generating activity. However, the full relief sought is not included in the five discrete transportation related topics covered by the Plan Change and as assessed in the s32 report.
- 8.2.7 The spatial extent of the proposed provisions by **The Fuel Companies** is not limited to service station sites or high trip generating activities but covers all zones and activities. This raises the

⁴ [2013] NZHC 1290 at [80] to [83].

question whether interested persons had enough opportunity to submit on the proposed provisions, whether the effects should have been considered in the s32 report, and the extent to which the status quo is changed relative to the notified proposal.

- 8.2.8 The status quo treats electric vehicle charging stations as both an extension to the primary activity on the site (i.e. service station, public car park), and as a retail activity. The charging stations are subject to any applicable setback requirements in the site and zone standards. For standalone charging stations, where no fee is charged (i.e. not a retail activity), they may be able to be treated as permitted infrastructure under 14.7.1 a. in the Utilities Energy and Designations section of the plan. I note that the notified plan change did not propose any changes to the rules for retail activities or for utilities but did propose new provisions for the management of high trip generating activities.
- 8.2.9 In my opinion there is scope for the commissioner to recommend amendments to Policy 10.4F to address some of the issues raised. This scope is part of the consideration of service stations as high trip generating activities, and the recognition of the positive effects of high trip generating activities as proposed in the notified Policy 10.4F. There is an opportunity for Policy 10.4F to be expanded to explicitly recognise the positive effects of provision of electric charging stations as part of a high trip generating activity. Supporting low emission transport is an example of a positive effect anticipated by proposed Policy 10.4F.
- 8.2.10 I consider that there is also scope to consider the treatment of electric charging stations under high trip generating activities Rule 10.8.1 and the thresholds in Table 10-1. For example, I note that the addition of electric charging stations to an existing service station is not captured by the proposed high trip generating activities Rule 10.8.1 and the thresholds in Table 10-1 (as they are not a filling point) and would therefore be 'permitted' for the purposes of this Rule, which partially addresses the submitter's request. Standalone electric charging stations would be treated as 'other' activities in Table 10-1 and may require a resource consent under Rule 10.8.1 if they are substantial trip generators. This is considered appropriate for high trip generating charging facility sites.
- 8.2.11 I do not however consider that it is within scope to make amendments to the treatment of electric charging stations under the utilities and retail activities rules, including their permitted activity status. I consider that there could reasonably be public interest in this change, and that the further submission process would not have provided sufficient opportunity for any parties interested to participate and have that input considered. I also consider that the change would necessitate further consideration as part of a s32 assessment, and that the changes go beyond the extent of change to the status quo as proposed in the five discreet changes set out in Plan Change 5. I also consider that Plan Change 5 deals with high trip generating activities, and promotion of transport choice but it does not explicitly seek to address emissions or climate change from activities that are not high trip generating activities.

8.2.12 Overall, it is my view that submission points **S5.1** and **S5.7** by **The Fuel Companies** are partly in scope of Plan Change 5, and be **accepted in part**, limited to their treatment as high trip generating activities (Policy 10.4F and Rule 10.8.1/Table 10-1). Should the commissioner disagree and consider the submission points in full to be “on” the plan change, I recommend that they be **accepted** with the additional text included in **Appendix 5** under the heading ‘if the commissioner considers there is scope to address all matters’.

8.3 ANALYSIS OF SUBMISSIONS

- 8.3.1 The following analysis addresses both the effects on the environment of the plan change and the appropriateness of the plan change in terms of the relevant national, regional and district plan objectives, policies and standards. All of the provisions proposed in the plan change have already been considered in terms of section 32 of the Act (**s32**). Where amendments to the plan change are recommended, I have specifically considered the obligations arising under section 32AA (**s32AA**) (refer to section 9 / **Appendix 2**).
- 8.3.2 For ease of reference, all submission points considered under a particular issue, as outlined in paragraph 8.1.3, are listed in the heading of the relevant discussion. The names of submitters and recommendations on their submissions within or at the end of the discussion, are typed in bold. My recommendation on each submission and a summary of reasons are also shown in a table format in **Appendix 4 – Table of Submissions with Recommendations and Reasons**, attached to this report.
- 8.3.3 As a result of consideration of submissions, I recommend some amendments to the District Plan provisions. In this report, the operative District Plan text is shown as normal text. Amendments proposed by the Plan Change as notified are shown as **bold underlined text in black** or **black bold strikethrough** text. Any text recommended to be added by this report will be shown as **red bold underlined** text and that to be deleted as **red bold strikethrough** text. **Appendix 5** shows the proposed Plan Change 5 amendments.

Pre-hearing discussion with submitters

- 8.3.4 Following the close of further submissions, the author met with representatives of the submitters to understand the issues raised in the submissions. Meetings were held via phone or via Teams.

Sub. No.	Submitter name	Representative(s) met	Meeting date
S1	Canterbury Regional Council	Serena Orr	20 th July 2023
S2	Waka Kotahi	Livi Whyte & Stuart Pearson	24 th July 2023
S3	Ministry of Education	Sara Hodgson & Kate Graham (Beca)	7 th August 2023
S4	KiwiRail	Sheena McGuire	19 th July 2023
S5	The Fuel Companies	Philip Brown (4Sight Consulting)	21 st July 2023 & 27 th October 2023

- 8.3.5 Following these meetings, a 'proposed' s42A report was circulated to the submitters for their comment, with an invitation for them to indicate if they still wished to be heard based on the content of the report. A one-week period was given for any feedback.
- 8.3.6 Written feedback was received from the Canterbury Regional Council, and The Fuel Companies. A further meeting was held on 27th October between the author and The Fuel Companies' representative to discuss and understand the matters raised in the written feedback.
- 8.3.7 Commissioner Minute 1 was circulated to the submitters on Monday 20th November 2023, directing the procedure and timeframes for the circulation of evidence and the holding of a hearing (if required).

8.4 ISSUE 1 – HIGH TRIP GENERATING ACTIVITIES – WAKA KOTAHI (S2.2, S2.3, S2.4, S2.5, S2.6); MINISTRY OF EDUCATION (S3.1, S3.2, S3.3, S3.4, S3.5); THE FUEL COMPANIES (S5.2, S5.3, S5.4, S5.5, S5.6); CANTERBURY REGIONAL COUNCIL (FS1.1, FS1.2, FS1.4, FS1.5, FS1.6, FS1.7, FS1.8, FS1.9)

Policy 10.3H Promotion of transport choice

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S5.2	The Fuel Companies	The Fuel Companies seek that Policy 10.3H is amended as follows: To ensure that encourage high traffic generating activities to promote opportunities for safe and efficient travel other than by private motor vehicle .	FS1.5 Canterbury Regional Council (Oppose)	Accept in part
S2.2	Waka Kotahi	Waka Kotahi seeks that Policy 10.3H is retained as notified.		Accept
S3.1	Ministry of Education	The Ministry of Education seeks that Policy 10.3H is retained as notified.		Accept

8.4.1 In their submission **S5.2, The Fuel Companies** oppose the wording in Policy 10.3H and seek that it is amended. **The Fuel Companies** support the encouragement of opportunities for safe and efficient travel but consider this is difficult to achieve in the context of service stations which serve motor vehicles. **The Fuel Companies** state that provision of electric vehicle charging facilities may be one means of promoting travel that is efficient from a sustainability perspective.

8.4.2 In their submission **S2.2, Waka Kotahi** support Policy 10.3H as notified.

8.4.3 In their submission **S3.1, the Ministry of Education** support Policy 10.3H as notified.

Discussion with submitters

8.4.4 Discussions were held with **The Fuel Companies** where the submitter reiterated that they seek the opportunity for low emission vehicles to be recognised in the Policy, as more sustainable forms of private motor vehicle travel.

8.4.5 In further pre-hearing discussion in October 2023 **The Fuel Companies** said there may be limited opportunities for a service station to promote opportunities for travel other than by private motor vehicle. They sought that ‘where practicable’ was added to Policy 10.3H to recognise this. I gave the following examples of opportunities that might apply to service stations: Ensuring the vehicle crossing design, location and any required infrastructure upgrades allow for safe and efficient pedestrian/bicycle use of the frontage road, provision and marking of safe and efficient access

routes for pedestrians/cyclists to access the retail shop from the frontage road, and provision of safe and accessible bicycle or scooter parking for the retail shop. In the scenario where there is no retail shop e.g. an unmanned fuel stop or truck stop, then the first example would still be relevant and could be factored into assessment under Policy 10.3H.

- 8.4.6 The **Canterbury Regional Council** stated that the CRPS⁵ directs the integration of land use and transport planning in a way that promotes the use of transport modes which have low adverse effects and the safe, efficient and effective use of transport infrastructure and reduces where appropriate the demand for transport. This is required to be given effect to in the District Plan. Electric vehicles, while powered by more sustainable fuel sources, still contribute to congestion and safety issues.
- 8.4.7 **Waka Kotahi** stated that vehicle kilometers travelled is one of the key targets for achieving a reduction in serious injuries and deaths on the roads, regardless of emission profile.

Analysis

- 8.4.8 I agree with the **Canterbury Regional Council** that by ensuring high trip generating activities promote opportunities for travel other than by private motor vehicle, this will give effect to relevant direction in the CRPS. I also agree with **Waka Kotahi** and the **Canterbury Regional Council** that the promotion of private motor vehicle travel can have adverse effects for safety and congestion.
- 8.4.9 Policy 10.3H is about promoting transport choice and transport safety. It gives effect to Objective 10.3: Transport Safety and Accessibility “The maintenance and improvement of the safety and ease of pedestrian, cyclist and vehicle movement throughout the District”. Low emission vehicles would not address transport choice, safety or congestion. It is more to do with emissions which, while relevant, sit better under Objective 10.2 Transport Efficiency or Objective 10.4 Environmental Effects of Transport.
- 8.4.10 I consider that it is appropriate to recognise the benefits of low emission vehicles but that this is best addressed in Policy 10.4F which is about promoting the positive effects from high traffic generating activities. This can cover the benefits of providing vehicle charging/supporting low emission private motor vehicles.
- 8.4.11 I consider that adding ‘where practicable’ to Policy 10.3H would reduce the effectiveness of the Policy as any high trip generating activity could claim that it is not practicable for them to promote travel other than by private motor vehicle. E.g. an argument could be run that their location in

⁵ Policy 5.3.8

Ashburton District makes it impracticable for them to promote travel other than by private motor vehicle. The cumulative effect of this could be significant, given that the Policy applies to the highest trip generating activities in the District. I therefore consider such a change to suit the specific circumstances of **The Fuel Companies** would undermine the effectiveness of Policy 10.3H as it applies to all high trip generating activities such that it would not achieve the relevant District Plan objectives, in particular Objective 10.3 Transport Safety and Accessibility.

Recommendation

8.4.12 I therefore recommend that **The Fuel Companies’ submission S5.2 be accepted in part**, in that the recognition of low emission transport should be included in Policy 10.4F. However, the remainder of the submission point is **rejected**. Consequently, I recommend that **Waka Kotahi’s submission S2.2**, and the **Ministry of Education’s submission S3.1** are **accepted**, and the **Canterbury Regional Council’s further submission FS1.5** is **accepted in part**.

8.4.13 Consequently, it is recommended that proposed Policy 10.3H is retained as notified.

Policy 10.4E Management of adverse effects

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S3.2	Ministry of Education	The Ministry of Education seeks that Policy 10.4E is amended as follows: Avoid, where reasonably practicable, or else Mitigate the adverse effects of high traffic generating activities on the transport network and the amenity of the environment.	FS1.1 Canterbury Regional Council (Oppose)	Reject
S5.3	The Fuel Companies	The Fuel Companies seek that Policy 10.4E is amended as follows: Avoid, where reasonably practicable, or else mitigate Minimise as far as reasonably practicable the adverse effects of high traffic generating activities on the transport network and the amenity of the environment.	FS1.6 Canterbury Regional Council (Oppose)	Reject
S2.3	Waka Kotahi	Waka Kotahi seeks that Policy 10.4E is retained as notified.		Accept

8.4.14 In their submission **S3.2**, The **Ministry of Education** opposes proposed Policy 10.4E on the basis that the language ‘avoid’ is unnecessarily restrictive.

8.4.15 In their submission **S5.3**, **The Fuel Companies** oppose proposed Policy 10.4E on the basis that avoidance of effects on the transport network is not realistic in the context of high traffic generating activities. **The Fuel Companies** also seek to remove reference to amenity in the policy, on the basis that the intent is unclear and the underlying rules do not appear to give effect to that direction.

8.4.16 In their submission **S2.3**, **Waka Kotahi** seeks that Policy 10.4E is retained as notified.

8.4.17 In their further submission **FS1.1**, the **Canterbury Regional Council** opposes the submissions from the **Ministry of Education** and **The Fuel Companies** and states that the CRPS⁶ requires the avoidance of development that adversely effects the safe, efficient and effective functioning of the strategic land transport network and arterial roads.

Discussion with submitters

8.4.18 The policy wording was discussed with the submitters. The **Ministry of Education** and **The Fuel Companies** explained that their initial concern was with the use of the term ‘avoid’ and that this

⁶ Policy 5.3.7

would preclude high trip generating activities from establishing. In discussion, the submitters agreed that the wording as notified provides a pathway for high trip generating activities that cannot avoid all adverse effects, and that those remaining effects can be mitigated, where not practicable to be avoided. The submitters indicated that Policy 10.4E as notified was appropriate in terms of its use of 'avoid where reasonably practicable'.

Analysis

- 8.4.19 As discussed with the submitters, I consider that the existing wording provides sufficient flexibility such that complete avoidance of adverse effects is not required in all instances.
- 8.4.20 I consider that amenity is a relevant effect and is able to be considered under 10.10.1 e) Assessment matter for effects from the anticipated trip generation (Full ITA). This assessment matter gives discretion for considering effects of the trip generation on the amenity of the environment, including consideration of the frontage road and the road hierarchy.
- 8.4.21 I consider the Policy as notified is the most efficient and effective means of achieving the objectives of the Plan.

Recommendation

- 8.4.22 I therefore recommend that the Ministry of Education's submission S3.2, and The Fuel Companies' submission S5.3 be rejected, and Waka Kotahi's submission S2.3 and the Canterbury Regional Council's further submissions FS1.1 and FS1.6 be accepted, and that Policy 10.4E be retained as notified.

Policy 10.4F Promotion of positive effects

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S5.4	The Fuel Companies	The Fuel Companies seek that Policy 10.4F is deleted.	FS1.7 Canterbury Regional Council (Oppose in part)	Accept in part
S2.4	Waka Kotahi	Waka Kotahi seeks that Policy 10.4F is retained as notified.		Accept in part
S3.3	Ministry of Education	The Ministry of Education seeks that Policy 10.4F is retained as notified.		Accept in part

8.4.23 In their submission **S5.4, The Fuel Companies** seek that Policy 10.4F is deleted. **The Fuel Companies** state that is unclear how a high traffic generating activity will promote positive transport effects. They state that in the absence of further information from Council as to how this will be achieved it is opposed.

8.4.24 The **Canterbury Regional Council**, in their further submission **FS1.7**, oppose the deletion of Policy 10.4F, but propose amended wording to improve clarity. The **Canterbury Regional Council** proposes that positive effects are linked to provision for multi-modal transport options, as described in the s32 report.

8.4.25 In their submissions **S2.4**, and **S3.3, Waka Kotahi and the Ministry of Education** seek that Policy 10.4F is retained as notified.

Discussion with submitters

8.4.26 Discussion was had with **The Fuel Companies, Waka Kotahi**, and the **Canterbury Regional Council**. The discussion centred on canvassing on what relevant positive effects from high trip generating activities might include. The main example discussed, was the ability for high trip generating activities, through their scale, to provide for different transport modes. **The Fuel Companies** indicated that further clarity within the Policy would assist in resolving the concern raised in their submission.

Analysis

8.4.27 I consider that it is appropriate to amend Policy 10.4F so as to explicitly state examples of things high trip generating activities can do to provide for positive transport effects. I consider this is the

most efficient and effective way of achieving the objectives of the Plan and provides greater clarity to the Plan user than the notified Policy.

Recommendation

8.4.28 I therefore recommend that **The Fuel Companies'** submission **S5.4** be **accepted in part**, in that Policy 10.4F should be amended as set out below. Consequently, I recommend that **Waka Kotahi's** submission **S2.4**, and the **Canterbury Regional Council's** further submission **FS1.7**, be **accepted in part**.

8.4.29 Consequently, it is recommended that proposed Policy 10.3H is amended as follows:

Policy 10.4F

Promote positive transport effects from high traffic generating activities including the provision for multi modal transport, travel demand management, infrastructure upgrades, and low emission transport.

10.6.4 Reasons for Rules - Rooding

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S5.5	The Fuel Companies	The Fuel Companies seek that note 10.6.4 is amended as follows: The rules regulating High Traffic Generating Activities are to ensure significant developments avoid or mitigate <u>minimise</u> adverse effects on the transport network as far as practicable, promote opportunities for <u>alternative means of</u> travel other than by private motor vehicle , and recognise positive transport effects.	FS1.8 Canterbury Regional Council (Oppose)	Reject

8.4.30 In their submission **S5.5, The Fuel Companies** oppose the wording in 10.6.4 Reasons for Rules – Rooding and seek that the wording is amended to reflect the policy wording sought by **The Fuel Companies** for Policies 10.3H and 10.4E.

Analysis

8.4.31 I agree that note 10.6.4 Reasons for Rules needs to reflect the policy wording in Policies 10.3H and 10.4E. As discussed above, no changes are proposed to the notified Policy 10.3H and Policy 10.4E. Therefore, I consider that no change is necessary to note 10.6.4.

Recommendation

8.4.32 I therefore recommend that **The Fuel Companies’ submission S5.5 be rejected**, and the **Canterbury Regional Council’s further submission FS1.8 be accepted**, and that note 10.6.4 Reasons for Rules – Rooding be retained as notified.

Rule 10.8.1 High Traffic Generating Activities

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S5.6	The Fuel Companies	<p>The Fuel Companies seek that Rule 10.8.1 is amended as follows:</p> <p>a) Any new subdivision or land use activity, or changes in use <u>The development of a new, or expansion of an existing activity that in itself exceeds</u> thresholds set out Table 10-1 shall be classified as a High Traffic Generator and a restricted discretionary activity.</p> <p>b) A Basic Integrated Transport Assessment shall be undertaken for a <u>new or expanded</u> activity that <u>in itself exceeds</u> the threshold for a Basic Assessment in Table 10-1 below. The relevant assessment matters shall be restricted to those set out in 10.10.1 a. to c. (Safety and efficiency, Design and Layout, and ITA requirements).</p> <p>c) A Full Integrated Transport Assessment shall be undertaken for <u>new or expanded</u> activities that <u>in itself exceeds</u> the threshold for a Full Assessment in Table 10-1 below. The relevant assessment matters shall be restricted to those set out in 10.10.1 a. to e. (Safety and efficiency, Design and layout, ITA requirements, Heavy vehicles, and Network effects).</p> <p>d) Where <u>the expansion of an existing activity is proposed that in itself exceeds the threshold for a Full Assessment in Table 10-1 below, if an</u> Integrated Transport Assessment has already been approved for the site as part of a granted resource consent, then these rules do not apply to any development that is within scope of that Integrated Transport Assessment and in accordance with the resource consent, unless the resource consent has lapsed.</p>	FS1.9 Canterbury Regional Council (Oppose)	Accept in part
S2.5	Waka Kotahi	Waka Kotahi seeks that Rule 10.8.1 is retained as notified.		Accept in part
S3.4	Ministry of Education	The Ministry of Education seeks that Rule 10.8.1 is retained as notified (subject to an amendment to Table 10-1 which is addressed in S3.5).		Accept in part

8.4.33 In their submission **S5.5, The Fuel Companies** oppose the wording in Rule 10.8.1 for High Traffic Generating Activities.

8.4.34 The **Canterbury Regional Council** in their further submission **FS1.9** oppose **The Fuel Companies'** proposed amended wording.

8.4.35 In their submissions **S2.5** and **S3.4**, **Waka Kotahi** and the **Ministry of Education** support the retention of Rule 10.8.1 as notified.

Discussion with submitters

8.4.36 Discussion was had with **The Fuel Companies**. It is my understanding that their concern was that upgrades to existing service station sites (even when no expansion of filling points is proposed) would be captured by the rule. It was discussed how the intent of Rule 10.8.1 a. was to capture new activities or ‘expansions’ of existing activities (as per the s32 report⁷ and as per the Selwyn Partially Operative Plan⁸). In the case of upgrades to existing service stations, it would only be if the number of filling points was increased as part of the upgrade, and the increase was not covered by an existing ITA assessment, that a new ITA assessment might be required and a resource consent required under Rule 10.8.1. An upgrade of the site that does not increase the number of filling points would not be subject to the thresholds in Table 10-1 and would not trigger an assessment under Rule 10.8.1. However, a change in use of the site to a new type of activity e.g. a change in use of a service station site to a warehousing/logistics business, would require assessment as a new land use activity, and the relevant parts of Rule 10.8.1 and thresholds in Table 10-1 would apply. An upgrade of an existing service station may still require a variation to an existing consent or a new consent for the ‘service station’ activity, depending on the zoning and compliance with site and zone standards.

8.4.37 **The Fuel Companies** clarified that they were not seeking to grandfather existing service station trip generation through the submission. **The Fuel Companies** indicated that an amendment to Rule 10.8.1 a. to refer to ‘new or expanded activity’ as per the Selwyn Partially Operative Plan wording would resolve most of the matters raised in the submission point.

8.4.38 In the further discussion held in October 2023, **The Fuel Companies’** representative requested that parts b. and c. of 10.8.1 were amended to include similar wording to 10.8.1 a. to improve clarity. I.e., to clarify that only new or expanded activities would be captured by 10.8.1 b. and c.

Analysis

8.4.39 I agree with **The Fuel Companies** that clarification of Rule 10.8.1 a. would assist in achieving the intent of the rule, achieving consistency with the Selwyn Proposed Plan and would improve Plan readability. I consider that the amended wording set out below will be more efficient and effective in achieving the objectives of the Plan than the notified wording. A change in use of a site to a new

⁷ Page 3

⁸ TRAN-R8 <https://www.selwyn.govt.nz/property-and-building/planning/strategies-and-plans/selwyn-district-plan/selwyn-district-plan-review> Partially Operative (Decisions Version) as at October 2023.

type of activity will still be captured by 'new land use activity', and able to be assessed under Rule 10.8.1 if it exceeds the relevant threshold in 10-1.

8.4.40 I consider that 10.8.1 a. provides sufficient clarity to identify what activities are captured by 10.8.1, and therefore sufficient clarity to know what activities are captured by parts b., and c., of that Rule.

Recommendation

8.4.41 I therefore recommend that **The Fuel Companies'** submission **S5.5 be accepted in part**, in that Rule 10.8.1 should be amended as set out below. **Waka Kotahi's** submission **S2.5**, the **Ministry of Education's** submission **S3.4**, and the **Canterbury Regional Council's** further submission **FS1.9**, are consequently **accepted in part** due to the changes recommended.

8.4.42 Consequently, it is recommended that proposed Rule 10.8.1 High Traffic Generating Activities is amended as follows:

a) Any new subdivision or land use activity, or ~~changes in use~~ expansion of an existing activity, that exceeds the thresholds set out Table 10-1 shall be classified as a High Traffic Generator and a restricted discretionary activity.

[...]

Table 10-1 Thresholds for High Traffic Generating Activities

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation												
S3.5	The Ministry of Education	<p>The Ministry of Education seeks that the threshold for Primary Schools in Table 10-1 is amended as follows:</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Basic Assessment Required</th> <th>Full Assessment Required</th> </tr> </thead> <tbody> <tr> <td>Education: Preschools</td> <td>40 children</td> <td>90 children</td> </tr> <tr> <td>Education: Schools</td> <td>70-100 students</td> <td>170 students</td> </tr> <tr> <td>Education: Tertiary</td> <td>250 FTE students</td> <td>750 FTE students</td> </tr> </tbody> </table>	Activity	Basic Assessment Required	Full Assessment Required	Education: Preschools	40 children	90 children	Education: Schools	70-100 students	170 students	Education: Tertiary	250 FTE students	750 FTE students	FS1.2 Canterbury Regional Council (Oppose)	Reject
Activity	Basic Assessment Required	Full Assessment Required														
Education: Preschools	40 children	90 children														
Education: Schools	70-100 students	170 students														
Education: Tertiary	250 FTE students	750 FTE students														
S2.6	Waka Kotahi	Waka Kotahi seeks that Table 10-1 is retained as notified.		Accept												

8.4.43 In their submission **S3.5**, the **Ministry of Education** (the **Ministry**) oppose the threshold in Table 10-1 for primary schools. The **Ministry** requests that the qualifier for ‘Education – Schools’ is increased. The **Ministry** states that based on data included in the Waka Kotahi ‘Research Report 453 Trips and parking related to land use’, 30 students would only result in 96 daily and 42 peak hour vehicle trips.

8.4.44 The **Ministry** states that the aforementioned traffic movements are based on the presumption that every pupil is driven to school in a vehicle carrying one student only. In reality, schools are often accessible by various transport modes including bicycle, bus, and walking. This, combined with multiple students travelling in the same vehicle, further reduces the traffic movements. As such, the Ministry requests that the qualifier for ‘Education – Schools’ is raised.

8.4.45 The **Ministry’s** ‘Reason for submission’ wording is the same wording used in the **Ministry’s** submission on the Proposed Te Tai o Poutini Plan – Combined Plan for the West Coast (TTPP)⁹. That Plan proposes a threshold of 30 students for schools (primary and secondary). This may explain

⁹ <https://tppp.nz/> Proposed Plan as at October 2023.

why the **Ministry's** submission considers trip generation for 30 students and the effects of this, rather than the 70 students as proposed in Plan Change 5.

8.4.46 The **Canterbury Regional Council** in their further submission **FS1.2** oppose the **Ministry of Education's** proposed amendment to Table 10-1. The **Canterbury Regional Council** note that both Timaru¹⁰ and Selwyn¹¹ propose a threshold of 70 students in their District Plans.

8.4.47 In their submission **S2.6**, **Waka Kotahi** seeks that Table 10-1 is retained as notified.

Discussion with submitters

8.4.48 In discussion with the **Ministry**, it was clarified that the Waka Kotahi 'Research Report 453' does account for students travelling by different modes, staff travel (predominantly in single occupant vehicle), and a proportion of children sharing a vehicle¹².

8.4.49 The **Ministry** stated their concern stems from fact that some schools are not designated and would be subject to Rule 10.8.1 and the thresholds in Table 10-1. The **Ministry** also stated that office-based learning environments have been proposed in other cities which may have reduced effects relative to a typical primary school. Following the discussion, comment from the Council's transport expert was shared with the Ministry, and the **Ministry** was invited to provide further details in support of their concerns. However, no further details have been received.

Expert transport comment

8.4.50 I have discussed submission **S3.5** with the Council's transport expert – Antoni Facey, Traffic Engineer at Avanzar Consulting. Mr Facey's evidence is attached in **Appendix 3**. Mr Facey considers that the effects of primary schools mean that a threshold of 70 students is appropriate, particularly in the absence of further evidence. Mr Facey notes the following in particular:

- a. One survey in RRU 453 suggests 50% come by car with 1.5 students/car. We are probably nearer 150 movements per day from 70 students based on the above survey (2 movements to deliver and 2 to pick up those that travel by car)

¹⁰ TRAN-S20 Table 21 <https://www.timaru.govt.nz/services/planning/district-plan/proposed-district-plan> Proposed Plan as at October 2023.

¹¹ TRAN-TABLE2 <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/selwyn-district-plan-review> Partially Operative (Decisions Version) as at October 2023.

¹² <https://www.nzta.govt.nz/resources/research/reports/453/> Page 77.

- b. It will be important to consider the safety and efficiency of the access, school bus parking, drop off/pick up points etc as part of the assessment.
- c. Schools of less than 100 students are unlikely to be built in an urban area. They are getting much larger than previously. A rural school could be smaller but is likely to rely on school buses and cars more than other modes of travel.

8.4.51 I adopt Mr Facey’s assessment of the **Ministry’s** submission.

Analysis

8.4.52 I consider that the threshold in Table 10-1 for primary schools is appropriate to remain at 70. I adopt Mr Facey’s assessment of effects and agree that the most appropriate threshold is 70 students on an effects basis, and in the absence of evidence from the **Ministry**.

8.4.53 I agree with the **Canterbury Regional Council** that a threshold of 70 students would be consistent with the decisions version of the Selwyn Proposed Plan, and the Proposed Timaru District Plan. I note that Selwyn’s transport experts Abley consultants recommended a threshold of 70 students for primary schools in both the notified plan and in response to the Ministry’s submission on Part A - Variation 1 to the Proposed Selwyn District Plan, and this was adopted by the s42A author and the hearing commissioners.¹³

8.4.54 I consider that a threshold of 70 students is the most efficient and effective means of achieving the objectives of the Plan.

Recommendation

8.4.55 I therefore recommend that the **Ministry of Education’s** submission **S3.5** be **rejected**, and **Waka Kotahi’s** submission **S2.6**, and the **Canterbury Regional Council’s** further submission **FS1.2**, be **accepted**, and that Table 10-1 be retained as notified.

¹³ <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/selwyn-district-plan-review> Partially Operative as at October 2023.

8.5 ISSUE 2 – DEFINITION OF TRANSPORT NETWORK – KIWI RAIL HOLDINGS LTD (S4.2); CANTERBURY REGIONAL COUNCIL (FS1.3)

Definition of transport network

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S4.2	KiwiRail Holdings Ltd	<p>KiwiRail Holdings Ltd (KiwiRail) seek to introduce a definition for transport network, to make it clear that the rail network is part of the transport network:</p> <p><u>Transport Network</u> <u>Transport networks and operations in the Ashburton district of national or regional significance including:</u></p> <ul style="list-style-type: none"> a) <u>State highways;</u> b) <u>Arterial roads;</u> c) <u>Rail networks and systems; and</u> d) <u>The region's core public passenger transport operations.</u> 	FS1.3 (Support in part)	Reject

8.5.1 **KiwiRail Holdings Ltd (KiwiRail)** in their submission **S4.2** seek to introduce a new definition for transport network to make it clear that the rail network is part of the transport network.

8.5.2 The **Canterbury Regional Council** in their further submission **FS1.3** provide some alternative suggested wording for the definition of transport network.

Discussion with submitters

8.5.3 Discussion with KiwiRail clarified that the main concern was ensuring it was clear in the Plan that the rail network is also a relevant part of the transport network. KiwiRail indicated that they were comfortable with their proposed definition not being adopted, if their concerns had already been addressed in the Operative Plan and in Plan Change 5 as notified.

Analysis

8.5.4 I consider that it is currently clear from reading the Transport section of the Plan as a whole that the rail network is included in the transport system, transport infrastructure, and the transport network, although these terms are not defined in the Plan. Transport network is used most widely in the Plan and includes local road network, railways, footpaths, state highways etc. Where the 'road' transport network is specifically being addressed as a subset, this is identified in the Plan. There are site standards that relate to rail level crossings 10.9.13 and 10.9.14, and these give effect to the transport objectives which refer to the transport system, transport infrastructure, and transport network.

- 8.5.5 In addition, I consider the proposed assessment matters for high trip generating activities will allow consideration of effects on the rail network, where relevant. 10.10.1 a. (Assessment matter for provision of access and on-site maneuvering - Basic ITA) will give discretion for considering effects from provision of access on the rail network. 10.10.1 d. (Assessment matter for heavy vehicles - Full ITA) will give discretion for considering effects from heavy vehicle movements on the rail network. 10.10.1 e. (Assessment matter for effects from the anticipated trip generation - Full ITA) will give discretion for considering effects of the trip generation on the rail network.
- 8.5.6 The proposed definition of transport network in the submission excludes the local road transport network. If adopted, this would substantially change the effect of many of the existing transport standards, since effects on the local road network may not be able to be considered. This would not achieve the objectives of the Transport section of the Plan.

Recommendation

- 8.5.7 It is recommended that submission **S4.2** by **KiwiRail Holdings Ltd** and **FS1.3** by the **Canterbury Regional Council** be **rejected** and that the transport provisions and definitions remain as notified.

8.6 ISSUE 3 – ELECTRIC VEHICLE CHARGING STATIONS – THE FUEL COMPANIES (S5.1, S5.7); CANTERBURY REGIONAL COUNCIL (FS1.4, FS1.10)

Electric vehicle charging

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S5.1	The Fuel Companies	The Fuel Companies seek to add a new policy for electric vehicle charging stations as follows: <u>Policy 10.1G</u> <u>Enable electric vehicle charging stations to serve existing car parks.</u>	FS1.4 (Support)	Accept in part If in scope: Accept
S5.7	The Fuel Companies	The Fuel Companies seek to include a new provision for electric vehicle charging stations as follows: Provide a permitted activity pathway for EV charging stations. This could be achieved as set out below. The Fuel Companies are open to alternative rules to achieve the same intent. <u>Electric Vehicle Charging Stations</u> <u>The installation of a new, or replacement of existing, electric vehicle charging stations is a permitted activity, provided that the charging unit does not exceed:</u> <u>- 2.5m in height</u> <u>- 10m² in footprint</u>	FS1.10 (Support in part)	Accept in part If in scope: Accept

8.6.1 **The Fuel Companies** in submissions **S5.1** and **S5.7** seek a new policy and a permitted activity pathway for EV charging stations. **The Fuel Companies** state that they consider that at a broad level PC5 presents an opportunity to introduce provisions specifically encouraging the use of electric vehicles (EV), with electric vehicle charging stations becoming an increasingly common element in service stations.

8.6.2 **The Fuel Companies** state that the new provisions would encourage the uptake of EVs, with accompanying benefits for fuel efficiency. The submitter states that this outcome would be consistent with the Direction in the District Plan (Objective 10.2) and the CRPS (Policy 14.3.2).

8.6.3 The **Canterbury Regional Council** in further submissions **FS1.4** and **FS1.10** supports the proposed new provisions in part. The **Canterbury Regional Council** comments that the proposed Policy 10.1G would support Policy 5.3.8 of the CRPS to promote the use of transport modes that have low adverse effects. They submit that Electric Vehicle Charging Stations should be provided in such a way that services existing carpark spaces to promote the transition to EVs rather than the provision of new carparking spaces.

Discussion with submitters

- 8.6.4 **The Fuel Companies** clarified in discussion that electric vehicle charging stations were becoming a greater part of the Fuel Companies' activities. For example, by adding electric vehicle charging stations to existing service station sites. **The Fuel Companies** stated that electric vehicle charging users tended to be existing customers of the service station who 'switch' to electric vehicles. The submitter stated that electric vehicle charging facilities, including standalone charging facility sites, tended to be treated as Service Stations in other District Plans. The Fuel Companies provided examples from the Selwyn¹⁴ and Timaru¹⁵ Proposed Plans where electric vehicle charging stations are proposed to be a permitted activity.
- 8.6.5 **The Fuel Companies** stated in further discussion in October 2023 that they request that any permitted site standard for charging stations should allow for up to 3m in height, to allow for a canopy structure above the charging infrastructure.

Comment on scope

- 8.6.6 As discussed in section 8.2 regarding scope, I consider that the requested relief by **The Fuel Companies** is partly in scope of the plan change, to the extent that it relates to high trip generating activities. A second recommendation is provided below in case the commissioner considers the relief sought to be fully within scope.

Analysis

- 8.6.7 Consideration of the submission points as they relate to high trip generating activities is provided in sections 8.2 and 8.4 of this report.

Recommendation

- 8.6.8 It is recommended that submissions **S5.1** and **S5.7** by **The Fuel Companies**, and further submissions **FS1.4** and **FS1.10** by the **Canterbury Regional Council**, be **accepted in part** and that Policy 10.4F is amended as recommended in section 8.4.29 of this report.

Analysis if commissioner considers in scope

- 8.6.9 I consider that the amendments recommended below will support Policy 5.3.8 of the CRPS to promote the use of transport modes that have low adverse effects, and support the achievement

¹⁴ EI-R15 <https://www.selwyn.govt.nz/property-and-building/planning/strategies-and-plans/selwyn-district-plan/selwyn-district-plan-review> Partially Operative at October 2023.

¹⁵ TRAN-R9 <https://www.timaru.govt.nz/services/planning/district-plan/proposed-district-plan> Proposed Plan at October 2023.

of District Plan Objective 10.2: Transport Efficiency. By requiring the charging station to be ancillary to a permitted or consented activity on the site, and to be compliant with all relevant site and zone standards, the proposed rule will ensure that the charging stations are provided for in suitable locations and manage effects on neighbouring land uses.

- 8.6.10 I consider that electric charging station permitted height of 2.5m is the most appropriate as this reflects the original submission point **S5.7**, will manage adverse visual effects, and is consistent with the rule in the decisions version of the Selwyn District Plan (EI-R15).

Recommendation if commissioner considers in scope

- 8.6.11 If the commissioner considers submissions **S5.1** and **S5.7** by **The Fuel Companies** to be in scope, and able to be adopted in full, then it is recommended that submissions **S5.1** and **S5.7** by **The Fuel Companies**, and further submissions **FS1.4** and **FS1.10** by the **Canterbury Regional Council**, be **accepted** and that the following text amendments are adopted in addition to the recommendation above:

14.7 Rules – Utilities

14.7.1 Permitted Activities

[...]

g) The establishment of a new, or replacement or expansion of an existing, electric charging station where the charging station is ancillary to a permitted or consented activity on the site and provided that it complies with all relevant site and zone standards.

14.8.5 Utility Building Scale

b) Electric charging stations shall not exceed an area of 10m², or a height of 2.5m.

8.7 ISSUE 4 – QUEUING SPACES ON ENTRY TO SERVICE STATION SITES – THE FUEL COMPANIES (S5.8); CANTERBURY REGIONAL COUNCIL (FS1.11)

Queuing spaces on entry to service station sites

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S5.8	The Fuel Companies	Delete the requirement in 10.8.12(d) for queuing spaces on entry to service station sites.	FS1.11 (Neutral)	Accept in part

8.7.1 **The Fuel Companies** in submission **S5.8** oppose the requirement in Rule 10.8.12(d) for queuing spaces on entry to service station sites and seek that it be deleted. **The Fuel Companies** state that the additional queuing space requirement for service stations on entry to the site is unnecessary as there is already a requirement for queuing space at the vehicle access points under Rule 10.8.12(a).

8.7.2 The **Canterbury Regional Council** is neutral on this submission point, but notes that the Timaru Proposed District Plan and the Selwyn Proposed District Plan do not have a requirement for queuing spaces on entry to service station sites.

Discussion with submitters

8.7.3 **The Fuel Companies** clarified in discussion that Service Stations provide queuing spaces within the site for each filling point. These queuing spaces avoid the need for queuing in the road. **The Fuel Companies** provided an example rule from the Auckland Unitary Plan¹⁶ which requires that access must be designed so that vehicles using or waiting to use fuel dispensers do not queue into the adjoining road or obstruct entry to or exit from the site. **The Fuel Companies** said that similar wording could be used in the Ashburton District Plan if required.

Analysis

8.7.4 Prior to the removal of parking space requirements under the NPS UD, the following parking requirements applied to service stations in the Ashburton District Plan:

Rule 10.8.1 Minimum Parking Space Requirements (prior to the NPS UD amendments)

¹⁶ E27.6.4.3(2) <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/Pages/default.aspx> Operative in Part as at October 2023.

Service Stations	3 spaces for staff plus 1 space per 50m ² Gross Floor Area of retail shop plus 1 space per 25m ² of workshop area plus 1 queuing space for an air hose or vacuum plus 3 queuing spaces for a carwash
------------------	--

- 8.7.5 The queuing space requirements under Rule 10.8.11 continue to apply to service stations in the Operative Plan. This requires a minimum queuing length to be provided within the vehicle access, clear of the road boundary.
- 8.7.6 Having considered the submission point from **The Fuel Companies**, I consider that the key issue to be addressed is the issue of vehicles queuing for filling points or other services within the site and blocking the road or the entry and access points. I therefore recommend the adoption of a modified version of the Auckland Unitary Plan rule as the most appropriate response.
- 8.7.7 For the reasons outlined above and in the S32AA assessment (**Appendix 2**), I consider that the amended wording of site standard 10.8.12(d) will better achieve the relevant objectives of the Plan than the notified version.

Recommendation

- 8.7.8 It is recommended that submission **S5.8** by **The Fuel Companies**, and further submission **FS1.11** by the **Canterbury Regional Council**, be **accepted in part**.
- 8.7.9 I therefore recommend that the following text amendments are adopted:

Site Standard 10.8.12(d)

d) Where the following facilities are provided within a site, minimum queuing spaces shall be provided in accordance with Table 10-7 below:

Table 10-7: Queuing Spaces

<u>Activity</u>	<u>Queuing Spaces</u>
<u>Drive through facilities (excluding service stations)</u>	<u>5 queuing spaces per booth or facility</u>
<u>Service Station facilities</u>	<u>3 queuing spaces on entry to the site Queuing space shall be designed so that vehicles using or waiting to use fuel dispensers, electric charging stations, car washes or air hose/vacuum do not queue</u>

	<p><u>into the adjoining road or obstruct entry to or exit from the site.</u></p>
--	---

8.8 ISSUE 5 - APPROVE THE PLAN CHANGE/POLICY 10.1E/RULE 10.8.6/TABLE 10-5/10.10.1 – CANTERBURY REGIONAL COUNCIL (S1.1); KIWIRAIL HOLDINGS LTD (4.1); WAKA KOTAHI (S2.1); MINISTRY OF EDUCATION (S3.6, S3.7, S3.8)

Support the plan change as notified

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S1.1	Canterbury Regional Council	The Canterbury Regional Council is generally in support of the proposed plan change.		Accept in part
S4.1	KiwiRail Holdings Ltd	KiwiRail broadly supports the proposed plan change.		Accept in part

8.8.1 The **Canterbury Regional Council** in submission **S1.1**, express their general support for PC5, with no amendments requested.

8.8.2 **KiwiRail Holdings Ltd** in submission **S4.1**, express their broad support for PC5.

8.8.3 Because of the conclusions reached in the assessment of the Issues above, amendments are proposed to some of the provisions. This means the provisions will not be retained as notified. For the reasons outlined in the Issues above and in the S32AA assessment (**Appendix 2**), I consider that the amended provisions will better achieve the relevant objectives of the Plan.

Recommendation

8.8.4 It is recommended that submission S1.1 by the Canterbury Regional Council, and submission S4.1 by KiwiRail Holdings Ltd be accepted in part.

Policy 10.1E Walking and Cycling; Rule 10.8.6 Cycle parking; Table 10-5 Minimum Cycle Parks; 10.10.1 Assessment Matters

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S2.1	Waka Kotahi	Waka Kotahi seeks that Policy 10.1E is retained as notified.		Accept
S3.6	Ministry of Education	The Ministry of Education seeks that Rule 10.8.6 Cycle parking is retained as notified.		Accept
S3.7	Ministry of Education	The Ministry of Education seeks that Table 10-5 Minimum Cycle Parks is retained as notified.		Accept
S3.8	Ministry of Education	The Ministry of Education seeks that 10.10.1 Assessment Matters are retained as notified.		Accept

8.8.5 **Waka Kotahi** in submission **S2.1**, express their support for Policy 10.1E, with no amendments requested.

8.8.6 The **Ministry of Education** in submissions **S3.6**, **S3.7**, and **S3.8** express their support for Rule 10.8.6, Table 10-5, and 10.10.1 Assessment Matters, with no amendments requested.

8.8.7 No other submissions or further submissions were received on Policy 10.1E, Rule 10.8.6, Table 10-5, and 10.10.1 Assessment Matters. I therefore recommend that these provisions are retained as notified.

Recommendation

8.8.8 It is recommended that **submission S2.1 by Waka Kotahi be accepted** and that Policy 10.1E is retained as notified.

8.8.9 It is recommended that **submissions S3.6, S3.7, and S3.8 by the Ministry of Education be accepted** and that Rule 10.8.6, Table 10-5, and 10.10.1 Assessment Matter are retained as notified.

9 SECTION 32 AND 32AA EVALUATION

- 9.1.1 Further evaluation under s32AA (refer to **Appendix 2**) shows that the changes I have recommended to the Plan amendments proposed in Plan Change 5 are the most appropriate way to achieve the objectives of the Plan.
- 9.1.2 The District Plan objectives identified in the S32 report are still the most appropriate way to achieve the purpose of the RMA.

10 CONCLUSIONS AND RECOMMENDATIONS

- 10.1.1 Having considered all of the submissions and reviewed all relevant instruments and statutory matters, I am satisfied that Plan Change 5, with the amendments I am suggesting, will better achieve the relevant District Plan Objectives and higher order direction.
- 10.1.2 I recommend therefore that:
- a. Plan Change 5 be approved with modifications as set out in the attached **Appendix 5**; and
 - b. Submissions on the Plan Change be accepted or rejected as set out in **Appendix 4** to this report.

APPENDIX 1 – PLAN CHANGE 5 AS NOTIFIED AND SECTION 32 EVALUATION

A copy of the notified Plan Change and S32 Evaluation Report can be accessed here:

<https://www.ashburtondc.govt.nz/home-and-property/planning-guidance-and-resource-consents/notifications>

APPENDIX 2 – SECTION 32AA EVALUATION

FURTHER EVALUATION UNDER SECTION 32AA

1. As required by Section 32AA of the Resource Management Act, this report further evaluates changes to District Plan amendments proposed in the notified Plan Change 5 document since the s32 evaluation was undertaken. This evaluation should be read in conjunction with Plan Change 5 document, Section 32 evaluation and Section 42A report. Refer to these documents for detailed analysis of submissions and other options considered.
2. Changes to proposed amendments since the s32 evaluation are assessed in Table 1 below. In evaluating the effects of the changes in accordance with 32AA, the following questions have been considered. Do the changes recommended:
 - a. make a significant difference to the conclusions of the s32 evaluation?
 - b. have significant effects on their own or in combination with the other amendments?
 - c. address the identified problems?
3. Further evaluation under s32AA shows the changes to the proposed amendments do not significantly affect the conclusions of the s32 evaluation and are the most appropriate way to achieve the objectives of the District Plan.

Table 1 – Evaluation of recommended changes

Changes to PC 5 proposed amendments	Effects and evaluation of changes
<p>Section 10: Transport</p> <p>Policy 10.4F</p> <p>The change amends proposed Policy 10.4F to include examples of things that high trip generating activities can do to promote positive effects (including provision for low emission transport).</p> <p>Rule 10.8.1 a. High Trip Generating Activities</p> <p>The change amends Rule 10.8.1 a. to make it clear that ‘expansion’ of an existing activity is to be subject to the thresholds in Table 10-1.</p> <p>Site Standard 10.8.12(d)</p>	<p>Effects and significance of the change:</p> <p>The proposed changes do not make a significant difference to the conclusions of the s32 evaluation.</p> <p>Efficiency:</p> <p>More efficient because the rules have been revised to improve clarity for the plan user.</p> <p>Effectiveness:</p> <p>Effective – no change to S32. Similarly as effective at achieving the transport objectives of the Plan.¹⁷</p> <p>Recommendation:</p> <p>Adoption of the proposed revised rules. Most appropriate way of achieving the transport objectives.</p>

¹⁷ Objective 10.1: Transport Sustainability; Objective 10.2: Transport Efficiency; Objective 10.3: Transport Safety and Accessibility; and Objective 10.4: Environmental Effects of Transport.

<p>The change amends Site Standard 10.8.12(d) to clarify the queuing requirements for facilities within service station sites.</p>	
<p>If the commissioner considers there is scope to address all matters raised in S5.1 and S5.7:</p> <p>Section 14: Utilities Energy and Designations</p> <p>14.7.1 Permitted Activities</p> <p>The change provides for new or expansion of existing electric vehicle charging stations as a permitted activity, where they are ancillary to a permitted or consented activity on the site provided they comply with the relevant site and zone standards.</p> <p>14.8.5 Utility Building Scale</p> <p>An area limit of 10m² and a height limit of 2.5m apply to electric vehicle charging stations under 14.8.5 Utility Building Scale.</p>	<p>Effects and significance of the change:</p> <p>The proposed changes make a more significant difference to the conclusions of the s32 evaluation because the scope of the change is broader than that covered in that assessment.</p> <p>Efficiency:</p> <p>More efficient because it will be clear that electric vehicle charging stations are provided for as a permitted utility, provided they comply with the relevant standards.</p> <p>Effectiveness:</p> <p>Effective – the change is broader in scope than that proposed in the s32 report, and potentially is more effective at achieving Objective 10.1 Transport Sustainability. There is a potential consequential small loss in efficiency (due to congestion) and reduced safety, due to the inducement of motor vehicle travel, albeit low emission.</p> <p>Recommendation:</p> <p>Adoption of the proposed revised rule. On balance, the most appropriate way of achieving the objectives of the Plan.</p>

APPENDIX 3 – TRANSPORT EVIDENCE FROM MR. ANTONI FACEY (AVANZAR CONSULTING)

See attached pdf labelled 'Appendix 3'.

APPENDIX 4 - TABLE OF SUBMISSIONS WITH RECOMMENDATIONS AND REASONS

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Canterbury Regional Council	S1	S1.1	Support	The Canterbury Regional Council is generally in support of the proposed plan change.	Accept in part See Section 8.8 of S42A report.
Waka Kotahi	S2	S2.1	Support	Retain Policy 10.1E as proposed.	Accept For the reasons set out in the notified S32 report.
		S2.2	Support	Retain Policy 10.3H as proposed.	Accept See Section 8.4 of S42A report.
		S2.3	Support	Retain Policy 10.4E as proposed.	Accept See Section 8.4 of S42A report.
		S2.4	Support	Retain Policy 10.4F as proposed.	Accept in part See Section 8.4 of S42A report.
		S2.5	Support	Retain Rule 10.8.1 High Traffic Generating Activities as proposed.	Accept in part See Section 8.4 of S42A report.
		S2.6	Support	Retain Table 10-1 Thresholds for High Traffic Generating Activities as proposed.	Accept See Section 8.4 of S42A report.
Ministry of Education	S3	S3.1	Support	Retain Policy 10.3H as proposed.	Accept See Section 8.4 of S42A report.
		S3.2	Oppose	Amend Policy 10.4E as follows: Avoid, where reasonably practicable, or else Mitigate the adverse effects of high traffic generating activities on the transport network and the amenity of the environment.	Reject See Section 8.4 of S42A report.

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
			Further submission No.	Further Submitter	Support / Oppose	
			FS1.1	Canterbury Regional Council	Oppose	Accept For the reasons set out above.
		S3.3	Support	Retain Policy 10.4F as proposed.		Accept in part See Section 8.4 of S42A report.
		S3.4	Support	Retain Rule 10.8.1 High Traffic Generating Activities as proposed (subject to amendment to Table 10-1 assessed under S3.5)		Accept in part See Section 8.4 of S42A report.
		S3.5	Support in part	Amend Table 10-1: Thresholds for High Traffic Generating Activities as follows:		Reject See Section 8.4 of S42A report.

Submitter	Submission No.	Decision No.	Request	Decision Sought			Recommendation and Reasons
				Activity	Basic Assessment Required	Full Assessment Required	
				Education: Preschools	40 children	90 children	
				Education: Schools	70-100 students	170 students	
				Education: Tertiary	250 FTE students	750 FTE students	
			Further submission No.	Further Submitter		Support / Oppose	
			FS1.2	Canterbury Regional Council		Oppose	Accept Reasons as above.
		S3.6	Support	Retain Rule 10.8.6 Cycle Parking as proposed.			Accept For the reasons set out in the notified S32 report.
		S3.7	Support	Retain Table 10-5 Minimum Cycle Parks as proposed.			Accept For the reasons set out in the notified S32 report.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
		S3.8	Support	Retain 10.10.1 Assessment Matters as proposed.	Accept For the reasons set out in the notified S32 report.
KiwiRail	S4	S4.1	Support	KiwiRail broadly supports the proposed plan change.	Accept in part See section 8.8 of the S42A report.
		S4.2	Support in part	<p>KiwiRail seek that the following definition is included:</p> <p><u>Transport Network</u></p> <p><u>Transport networks and operations in the Ashburton district of national or regional significance including:</u></p> <p>a) <u>State highways;</u> b) <u>Arterial roads;</u> c) <u>Rail networks and systems; and</u> d) <u>The region's core public passenger transport operations.</u></p>	Reject See Section 8.5 of the S42A report.
		Further submission No.	Further Submitter	Support / Oppose	
		FS1.3	Canterbury Regional Council	Support in part	Reject Reasons as above.
The Fuel Companies	S5	S5.1	Propose new provision	<p>Add a new policy as follows:</p> <p><u>Policy 10.1G</u> <u>Enable electric vehicle charging stations to serve existing car parks.</u></p>	Accept in part (incorporate in Policy 10.4F) If commissioner considers in scope: Accept See Section 8.6 of the S42A report.
		Further submission No.	Further Submitter	Support / Oppose	

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
			FS1.4	Canterbury Regional Council	Support	Accept in part Reasons as above.
		S5.2	Support in part	Amend Policy 10.3H as follows: To ensure that <u>encourage</u> high traffic generating activities <u>to</u> promote opportunities for safe and efficient travel other than by private motor vehicle .		Accept in part the recognition of the benefits of low emission transport through Policy 10.4F Reject the remainder See Section 8.4 of the S42A report.
			Further submission No.	Further Submitter	Support / Oppose	
			FS1.5	Canterbury Regional Council	Oppose	Accept in part Reasons as above.
		S5.3	Oppose	Amend Policy 10.4E as follows: Avoid, where reasonably practicable, or else mitigate <u>Minimise as far as reasonably practicable</u> the adverse effects of high traffic generating activities on the transport network and the amenity of the environment .		Reject See Section 8.4 of the S42A report.
			Further submission No.	Further Submitter	Support / Oppose	
			FS1.6	Canterbury Regional Council	Oppose	Accept Reasons as above.
		S5.4	Oppose	Delete Policy 10.4F.		Accept in part See Section 8.4 of the S42A report.
			Further submission No.	Further Submitter	Support / Oppose	

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
			FS1.7	Canterbury Regional Council	Support in part	Accept in part Reasons as above.
		S5.5	Support in part	Amend note 10.6.3 as follows: 10.6.3 Rooding, Access, Vehicle Crossings and Intersections ... The rules regulating High Traffic Generating Activities are to ensure significant developments avoid or mitigate <u>minimise</u> adverse effects on the transport network as far as practicable, promote opportunities for <u>alternative means of travel</u> other than by private motor vehicle , and recognise positive transport effects.		Reject See Section 8.4 of the S42A report.
			Further submission No.	Further Submitter	Support / Oppose	
			FS1.8	Canterbury Regional Council	Oppose	Accept Reasons as above.
		S5.6	Support in part	Amend Rule 10.8.1 as follows: 10.8.1 High Traffic Generating Activities a) Any new subdivision or land use activity, or changes in use <u>The development of a new, or expansion of an existing activity</u> that <u>in itself</u> exceeds thresholds set out Table 10-1 shall be classified as a High Traffic Generator and a restricted discretionary activity. b) A Basic Integrated Transport Assessment shall be undertaken for a <u>new or expanded</u> activity that <u>in itself</u> exceeds the threshold for a		Accept in part See Section 8.4 of the S42A report.

Submitter	Submission No.	Decision No.	Request	Decision Sought		Recommendation and Reasons
				<p>Basic Assessment in Table 10-1 below. The relevant assessment matters shall be restricted to those set out in 10.10.1 a. to c. (Safety and efficiency, Design and Layout, and ITA requirements).</p> <p>c) A Full Integrated Transport Assessment shall be undertaken for <u>new or expanded</u> activities that <u>in itself exceeds</u> the threshold for a Full Assessment in Table 10-1 below. The relevant assessment matters shall be restricted to those set out in 10.10.1 a. to e. (Safety and efficiency, Design and layout, ITA requirements, Heavy vehicles, and Network effects).</p> <p>d) Where <u>the expansion of an existing activity is proposed that in itself exceeds the threshold for a Full Assessment in Table 10-1 below, if an</u> Integrated Transport Assessment has already been approved for the site as part of a granted resource consent, then these rules do not apply to any development that is within scope of that Integrated Transport Assessment and in accordance with the resource consent, unless the resource consent has lapsed.</p>		
			Further submission No.	Further Submitter	Support / Oppose	
			FS1.9	Canterbury Regional Council	Oppose	Accept in part Reasons as above.
		S5.7	Neutral	Provide a permitted activity pathway for EV charging stations. This could be achieved as set		Accept in part (incorporate in Policy 10.4F) If commissioner considers in scope: Accept

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons	
				<p>out below. The Fuel Companies are open to alternative rules to achieve the same intent.</p> <p><u>Electric Vehicle Charging Stations</u></p> <p><u>The installation of a new, or replacement of existing, electric vehicle charging stations is a permitted activity, provided that the charging unit does not exceed:</u></p> <p><u>- 2.5m in height</u></p> <p><u>- 10m² in footprint</u></p>	See Section 8.6 of the S42A report.	
			Further submission No.	Further Submitter	Support / Oppose	
			FS1.10	Canterbury Regional Council	Support	Accept in part Reasons as above.
		S5.8	Oppose in part	Delete the requirement in 10.8.12(d) for queuing spaces on entry to service station sites.		Accept in part See Section 8.7 of the S42A report.
			Further submission No.	Further Submitter	Support / Oppose	
			FS1.11	Canterbury Regional Council	Neutral	Accept in part Reasons as above.

APPENDIX 5 - PC 5 - DISTRICT PLAN TEXT AMENDMENTS WITH RECOMMENDED CHANGES

As a result of consideration of submissions, some amendments to the District Plan provisions are recommended. For the purposes of these amendments, the District Plan text is shown as normal text. Amendments proposed by the Plan Change as notified are shown as **bold underlined** or ~~**bold strikethrough**~~ text.

Any text recommended to be added, following consideration of submissions, is shown as **bold underlined text in red** and that to be deleted as ~~**bold strikethrough in red**~~.

The relevant rules that are recommended to be amended following the consideration of submissions are included for convenience below. The full set of text amendments recommended to be adopted as part of the plan change are included in the attached pdf documents labelled 'Appendix 5':

- Transport, Aquatic Park Zone, Business Zones, Definitions, Residential Zones, and Scheduled Activities.

The pdf document titled 'Utilities_if commissioner considers in scope' contains the recommended additional text amendments to the Utilities Energy and Designations section of the Plan if the Commissioner considers that there is scope to consider all matters raised in submission points S5.1 and S5.7.

Section 10: Transport

Policy 10.4F

Promote positive transport effects from high traffic generating activities including the provision for multi modal transport, travel demand management, infrastructure upgrades, and low emission transport.

Rule 10.8.1 High Trip Generating Activities

a) Any new subdivision or land use activity, or ~~changes in use~~ expansion of an existing activity, that exceeds the thresholds set out Table 10-1 shall be classified as a High Traffic Generator and a restricted discretionary activity.

[...]

Site Standard 10.8.12(d)

d) Where the following facilities are provided within a site, minimum queuing spaces shall be provided in accordance with Table 10-7 below:

Table 10-7: Queuing Spaces

<u>Activity</u>	<u>Queuing Spaces</u>
<u>Drive through facilities (excluding service stations)</u>	<u>5 queuing spaces per booth or facility</u>
<u>Service Station facilities</u>	<u>3 queuing spaces on entry to the site Queueing space shall be designed so that vehicles using or waiting to use fuel dispensers, electric charging stations, car washes or air hose/vacuum do not queue into the adjoining road or obstruct entry to or exit from the site.</u>

If the commissioner considers there is scope to address all matters raised in S5.1 and S5.7 then I recommend the following additional changes:

Section 14: Utilities Energy and Designations

14.7 Rules – Utilities

14.7.1 Permitted Activities

[...]

g) The establishment of a new, or replacement or expansion of an existing, electric charging station where the charging station is ancillary to a permitted or consented activity on the site and provided that it complies with all relevant site and zone standards.

14.8.5 Utility Building Scale

b) Electric charging stations shall not exceed an area of 10m², or a height of 2.5m.