

**Before a Hearings Panel appointed
by the Wellington City Council**

Under the Resource Management Act
1991

And

In the Matter of a submission (359) on the
Proposed District Plan by
Woolworths New Zealand Limited

Statement of Evidence of
Kay Panther Knight
for Woolworths New Zealand Limited
Topic 4 – Commercial and Mixed Use
Zones and General Industrial Zones

Dated: 12 June 2023

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INTRODUCTION

Qualifications and Experience

1. My full name is Kay Panther Knight. I am a Director of Forme Planning Limited. I have held this position since March 2017.
2. I hold a Master of Planning Practice from the University of Auckland. I am also an Intermediate member of the New Zealand Planning Institute.
3. I have over 19 years' experience covering a wide range of land use planning matters on behalf of local authorities, government departments and private entities and individuals in New Zealand. During that time, I have been involved with the full range of resource management matters, including planning due diligence, resource consenting advice, policy reviews, submissions and the presentation of evidence to local authorities in respect of proposed plans and plan changes and resource consent applications.
4. Notably, I have prepared submissions and presented evidence on behalf of clients regarding various proposed district plan and plan change processes. I have also been involved in due diligence, plan changes, consenting and appeals on supermarket and other retail development proposals across New Zealand.

Background and Involvement

5. I have been advising Woolworths New Zealand Limited (**Woolworths**) in respect of planning matters in the Wellington City over the last year. I assisted Woolworths in preparing its submission (359) on the Proposed District Plan (**PDP**). I have read a number of submissions and further submissions on the PDP by other submitters. I have also reviewed the Wellington City Council's (**Council**) Section 42A Reports on Commercial and Mixed Use Zones (**CMUZ**) and General Industrial Zone (**GIZ**).
6. I have previously prepared and tabled a statement on behalf of Woolworths at the PDP Hearing Stream 1 (Strategic Directions) in February 2023.

Code of Conduct

7. I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence is

within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

SCOPE OF EVIDENCE

8. My evidence addresses:
 - (a) Statutory framework;
 - (b) Woolworths's submission on the CMUZ and GIZ chapters of the PDP;
 - (c) Assessment of the CMUZ and GIZ; and
 - (d) Response to Section 42A Reports.
9. I have read the CMUZ Section 42A Report and the GIZ Section 42A Report (**Section 42A Reports**). My evidence responds to the Section 42A Reports.
10. I have also read the evidence of Daniel Shao for Woolworths which outlines Woolworths' interests in Wellington City and the key relevant factors for supermarket operations and development.

EXECUTIVE SUMMARY

11. The CMUZ seek to deliver on the PDP's strategic direction of supporting "the City's growth, economy, employment and meeting people's day to day needs into the future" (CEKP Introduction). The higher order provisions of the PDP recognise that a range of commercial and mixed use environments across the City will promote a diverse economy (CEKP-O1), and that this approach can be supported by mixed use, industrial and commercial zones outside of Centres that complement the centres hierarchy, recognising that some activities may be incompatible with other Centres-based activities (CEKP003). Specific centres are identified and supported through subsequent zone objectives and policies and as noted, the GIZ (and Commercial zone) complement the role of the centre zones. I support these principles and the majority of the higher order provisions in the PDP – both at the Strategic Directions and CMUZ levels.

12. However, with specific regard to Woolworths' interests within Wellington City, and having regard to resource management more broadly, I consider the PDP provisions do not provide efficiently or flexibly for the delivery of new supermarket development but rather, employ a punitive approach to the accepted and long-established format of supermarkets, in a manner that does not enable sufficient supermarket development to service anticipated growth, even within the centres recognised as focal points for such commercial activity.
13. I therefore support Woolworths' relief, with further amendments as outlined in this evidence, to introduce greater flexibility into the provisions that relate to supermarket development within the CMUZ and GIZ. Specifically, I support the amendments to the PDP as outlined in the redline text at **Appendix 1**.
14. These amendments seek to address the onerous consent status of supermarkets in the GIZ. As notified, the PDP seeks to apply a non-complying activity status to supermarkets in the GIZ. Woolworths' submission seeks a discretionary activity status instead. I support this relief, noting that a discretionary activity status still enables a fulsome assessment of effects and Council has the discretion to notify, grant or decline such an application. However, the benefit of the discretionary activity status is that it better enables a case-by-case assessment of supermarket proposals within the zone, acknowledging the significant demand for such activity in the City and the dearth of suitable land.
15. The amendments I support also seek to address the consenting status for new buildings, urban design standards and standard infringements in both the GIZ and CMUZ. I also consider it prudent to make allowances within the provisions for the unique operational and functional requirements for supermarket activities.
16. In my opinion, the amendments proposed achieve appropriate and sustainable management of natural and physical resources. The amendments also recognise the competing and compelling interests of the wider City in terms of enabling and encouraging growth, whilst ensuring that the adverse effects of development are appropriately mitigated.

STATUTORY FRAMEWORK

17. The statutory framework for assessment of the PDP is contained in sections 31-32 and 72-76 and Schedule 1 of the Resource Management Act 1991 (Act). The general requirements are that:
- (a) The PDP should be designed in accordance with and to assist the Council to carry out its functions under section 31 so as to achieve the purpose of the Act.
 - (b) When preparing the PDP, the Council must:
 - i. Give effect to any relevant National Policy Statements and the CRPS;
 - ii. Have regard to any management plans and strategies prepared under any other legislation; and
 - iii. Take into account any relevant planning documents recognised by an iwi authority.
 - (c) The PDP must not be inconsistent with the relevant Regional Plans.
 - (d) The objectives of the PDP are to be evaluated as to the extent to which they are the most appropriate way to achieve the purpose of the Act.
 - (e) The policies are to implement the objectives and the rules are to implement the policies, and the provisions are to be evaluated as to the extent to which they are the most appropriate method for achieving the objectives of the PDP, by:
 - i. Identifying other reasonably practicable options for achieving the objectives; and
 - ii. Assessing the efficiency and effectiveness of the provisions in achieving the objectives, including:
 - (A) Identifying and assessing the benefits and costs of the anticipated environmental, economic, social and cultural effects;
 - (B) If practicable, quantifying those benefits and costs;

- (C) Assessing the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions.
 - (f) In relation to the proposed rules, regard must be had to the actual or potential effects on the environment of activities, including, in particular, any adverse effects.
18. I refer to and rely on that statutory framework in respect of my analysis of the proposed CMUZ and GIZ provisions.

WOOLWORTHS SUBMISSION

19. The primary relief sought by Woolworths in its submission was for the PDP to be amended to enable business activity to flexibly adapt to the anticipated growth of the City. Woolworths posited in its submission that as notified, the PDP significantly limits the opportunity for new and developing business activity to deliver necessary services, in the appropriate location, for growing communities and to continue to develop “well-functioning urban environments”, in accordance with the National Policy Statement on Urban Development (**NPSUD**).
20. Relative to the CMUZ and GIZ provisions and Hearing Topic 4, Woolworths identified the following matters in its submission:
- (a) Recognising the permitted activity status for supermarkets in all centre zones, but identifying that given the operational and functional requirements of supermarkets relative to the permitted baseline for new buildings or additions and alterations (100m²) in the centres, alongside restrictive urban design standards (detailed below), supermarkets are essentially “set up to fail” against the consenting framework established by the PDP. In other words, despite the permitted activity status for the operation of the supermarket, any new or substantially redeveloped existing supermarket will always require consent in all centre zones.
 - (b) Further, the consent status would regularly default to discretionary with respect to visible or legible car parking layouts that supermarkets desire for efficiency and accessibility. Coupled with problematic policies in each of the centre zones that render such a

design “incompatible” with the anticipated zone outcomes (Policy 4 in each zone), consenting for supermarkets within centre zones will be uncertain and complex under the PDP.

- (c) Absent car parking at-grade, the assessment of supermarkets against the relevant matters of discretion for new buildings, supermarkets again run the risk of being unfavourably assessed against the PDP in consenting.
- (d) In respect of the Mixed Use zone, supermarkets up to 1,500m² GFA are a permitted activity, however consent for new buildings or additions and alterations over 500m² require consent. Further, as notified, the PDP sought to remove the permitted baseline for supermarkets over 1,500m² GFA. The same issue with standards that do not recognise the potential conflict with operational and functional requirements remain an issue in the Mixed Use zone.
- (e) Where activities infringe identified standards, a restricted discretionary activity status is appropriate, rather than defaulting to a more onerous discretionary activity status. Restricted discretionary activity status can be accompanied by suitably limited criteria that still ensure an appropriate assessment of effects is undertaken, whilst providing certainty to applicants that where activities are anticipated, such assessments will be rational and streamlined.
- (f) Relative to the GIZ, Woolworths sought discretionary activity status for supermarkets, rather than non-complying as proposed. Absent that activity status change, Woolworths is concerned to ensure that the policy framework does not remove the ability for supermarkets to be considered on a case-by-case basis in consenting. As proposed to be amended in Council’s section 42A report, the prospect of any such consent would be very limited, almost impossible, in respect of the section 104D framework.

21. I support the positions above and address each matter further in the following evidence.

PLANNING ASSESSMENT

The Appropriate Activity Status for Supermarkets in CMUZ

22. Woolworths' submission identified that the PDP does not permit supermarkets in any CMUZ by virtue of needing a consent for the building. This is at odds with the widely accepted role that supermarkets play in centres. Within identified centres of all scales and functions, supermarkets act as anchor tenants, and as catalysts for investment in centres of all scales. The importance of convenient and efficient access to supermarkets as critical infrastructure or essential services has been recognised in other Districts, and recently that importance was highlighted by the Covid-19 pandemic.
23. It is considered that the consent requirement across the CMUZ for supermarkets is not in accordance with the higher order strategic direction outlined in Objectives CEKP-O2 and CEKP-O3 where business needs are envisaged to be enabled within the CMUZ.
24. Each of the CMUZ's overarching objective and policies reinforce the centres hierarchy set out in the PDP – the first objective of each centre zone ensures that the centre provides for the needs of communities, businesses and residents in a manner that supports the hierarchy. This approach is appropriate, however, to be effectively implemented, the PDP needs to reconsider the way in which supermarkets are restricted rather than enabled in the CMUZ.
25. Consenting for supermarkets can be protracted, complex and uncertain. To suggest that supermarkets cannot be accommodated anywhere in the City without a consenting process that at least recognises their operational and functional requirements is overly restrictive and counter-productive to the strategic directions. I therefore agree with Woolworths that it would appear there is no "feasibly zoned land" for supermarket development within the CMUZ to support the PDP's growth agenda for its centres and to appropriately meet the needs of the surrounding communities.
26. Further, the purpose of the Mixed Use zone includes a statement that "the zone does not anticipate large supermarkets" noting that these are more appropriately located in the centre zones. Policy MUZ-P3 reinforces this as

it further restricts supermarkets locating within the zone “only” if they can demonstrate no significant adverse impacts on centres. Given supermarkets (by virtue of their size) are not permitted in centres either, this preference statement reinforces the stated view that there is no “feasibly zoned land” for supermarkets.

27. As supermarkets sit within the catchment that they serve, they are focal points for local community developments and add economic and social value to centres, noting they can be tailored to be commensurate with the form and function of the centre in question. It is preferable that supermarkets are located in centres, as they anchor and attract customers to an area, therefore supporting the viability of surrounding commercial activities.
28. That said, and given the recognition that centres can be constrained in size and extent, as well as character, so as to render retrofitting a supermarket into that centre problematic, it is appropriate to provide flexibility in planning provisions for supermarkets in the CMUZ, most closely and conveniently located near or adjacent centres, other commercial activities and importantly, the residential catchment they are designed to serve.
29. This approach is widely referred to as “centres plus” and has been adopted in Auckland and Waikato, and elsewhere. The proposed strategic directions already deliver on this approach and therefore I consider that the enablement sought in the CMUZ provisions is not contrary to the wider objectives set out in the higher order PDP chapter.
30. In response to Woolworths’ submission, the Council has deleted the statement under Rule MUZ-R12 with respect to not applying a permitted baseline to an assessment of supermarkets greater than 1,500m² GFA in the Mixed Use zone. This is beneficial, however I note that the section 42A report reinforces that the purpose of the statement to “deter large scale supermarkets from locating in the zone” is still a view held by Council¹. The corollary to this position is to ask Council, what zone *does* anticipate a large scale supermarket?
31. For the avoidance of doubt, I support the deletion of the statement under Rule MUZ-R12, but I continue to suggest a step-change in Council’s punitive planning approach to supermarket development is required.

¹ Section 42A report on Mixed Use zone, para 146.

32. Council has adopted no other changes that address Woolworths' submission.
33. Accepting that the Council wishes to retain consenting discretion over building form and design outcomes, I consider it efficient and appropriate to adopt more enabling planning provisions for supermarkets in that consenting regime, as set out in **Appendix 1**.
34. Most critically, the proposed planning framework above does not remove the ability for Council to assess the potential adverse effects of supermarket activities in CMUZ, and as a result, such effects can be appropriately mitigated through application of standards, consideration against relevant matters of discretion and as required by conditions of consent ultimately.
35. The relief sought in **Appendix 1**, and noting it is amended from Woolworths' submission, is considered to strike a balance between enabling supermarket development in convenient nodal locations to serve its diverse and growing residential catchments in the City, without ignoring the importance of the scale and character anticipated for each centre zone.
36. Specifically, the CMUZ objectives, policies and assessment criteria require consideration of supermarkets' operational and functional requirements alongside an assessment of design outcomes. The changes in my view do not challenge the PDP centres hierarchy but do better achieve the strategic direction of a diverse economy.
37. For these reasons, and those established in Mr Shao's evidence, I support Woolworths' proposed relief to better enable supermarkets in the CMUZ, subject to the amendments set out in **Appendix 1**.
38. In brief, this comprises consideration of operational and functional requirements of supermarkets in the assessment criteria relating to new buildings and additions and alterations to existing buildings within the NCZ, LCZ, MCZ zones.
39. Changes in respect of policies and standards are addressed separately in the evidence that follows.

The Appropriate Activity Status for Supermarkets in GIZ

40. I understand the Council's position as regards preserving industrial land for industrial use, particularly in the physical context of Wellington City. However, I am not aware of any economic evidence to suggest that industrial land supply is so scarce relative to demand that non-industrial activities cannot be countenanced in a consenting framework.
41. Indeed, the objectives and policies in the GIZ chapter as notified recognised the potential for non-industrial (commercial) activities to be considered where they are of similar scale and nature to, and where they avoid incompatibility with, industrial activities. Supermarkets by their nature are large in format. Nor are supermarkets sensitive to effects arising from industrial activities and therefore reverse sensitivity effects do not arise. As a result, supermarkets can be accommodated in industrial areas without adversely affecting the efficiency of surrounding industrial land uses.
42. In my opinion, the discretionary activity status for supermarkets in the GIZ can achieve an efficient and effective balance between preserving industrial land for its primary use and enabling consideration of the appropriateness of a supermarket proposal "out of centre" on a case-by-case basis.
43. This is evidenced by the limited amendments sought to support the proposed change in activity status from non-complying to discretionary. Council has amended Objective GIZ-O2 to more stringently control non-industrial activity in the GIZ. I propose further amendments to Objective 2 and Policy GIZ-P4 so that there is potential to consider non-industrial activities that do not result in unacceptable adverse effects that undermine the vibrancy of centres, recognising that some commercial activities can be comfortably accommodated within the zone, including trade supply retail etc.
44. A supermarket can respond positively to the proposed objective and policy given the potential effects on centres (and the centre hierarchy more broadly) can be addressed by an economic assessment of the catchment that supermarket is designed to serve. That assessment would also address the limited availability of centre zoned sites to accommodate supermarkets, having regard to proximity to catchment, assessing (and if necessary) avoiding retail distribution effects on identified centres and acknowledging the operational and functional requirements of supermarket activities.

45. An economic assessment, as could be required with a fully discretionary activity status, would also address reverse sensitivity, industrial land supply and retail distribution effects in order to satisfy the tests in Objective GIZ-O2 and Policy GIZ-P4 regarding unacceptable adverse effects.
46. Notwithstanding, Council's response² to the suggested discretionary activity status is, in my opinion, focused more broadly on commercial activities as a whole, rather than on supermarkets separately. I propose to address this by introducing a new rule specific to supermarkets as discretionary activities, leaving other commercial activities as non-complying, again recognising the differing operational and functional requirements that supermarkets have over comparison, and indeed other smaller format convenience, retail. This relief is set out in **Appendix 1**.
47. Finally, I note as a comparison, that the Waikato Proposed District Plan (Decisions version) confirmed discretionary activity status for supermarkets in its General Industrial zone (alongside other retail activity not otherwise provided for), with the Decision Report stating:
- "... there are situations where these [retail] activities may be appropriate in the General Industrial zone, and so they should be assessed on their merits under a discretionary status, rather than being actively discouraged through a non-complying activity status."³*
48. In my opinion therefore, the discretionary activity status represents a more efficient status for supermarkets that acknowledges their ability to locate without adverse effects in the GIZ, whilst ensuring a robust assessment of those effects is undertaken at the consenting stage.

The Appropriate Activity Status for Assessment of New Buildings and Urban Design

49. Woolworths' submission identifies that the PDP as notified in respect of activity status for new buildings and external additions and alterations for new buildings in the CMUZ results in there being no singular zone in the PDP that permits supermarkets as of right and without the need for any consent. It is acknowledged that the Mixed Use zone enables supermarkets up to 1,500m² GFA without consent (but is captured by Rule MUZ-S6 which

² Section 42A Report on GIZ, para 98 onwards, and 136, 137.

³ Decision Report 21 Industrial Zones, Waikato Proposed District Plan, dated 17 January 2022.

requires restricted discretionary activity consent for any building exceeding 500m² GFA).

50. I accept the proposed restricted discretionary activity status for new buildings and external additions and alterations to existing buildings in the CMUZ. I consider that the matters of discretion listed in each zone chapter are generally acceptable but should incorporate the consideration of operational and functional requirements for activities the buildings are designed to accommodate.
51. Relative to supermarkets, the operational and functional requirements of the activity are widely accepted as:
 - (a) Store visibility
 - (b) Provision of appropriate customer car parking, which is clearly visible, accessible and functionally well-connected to the store entrance
 - (c) Provision for solid facades to facilitate internal shelving and fresh produce display
 - (d) Adequate and accessible servicing areas, preferably separated from customer vehicle traffic and pedestrian movements.
52. Such recognition of the operational and functional requirements of commercial activities provides a pragmatic balance between commercial realities and urban design ideals for centres.
53. The requirements for supermarkets also illustrate why it is necessary to consider the nature of the activity within when applying blanket urban design ideals as standards – namely, location of car parking, minimum building height, and active frontages.
54. This approach still allows for innovation in design as technology and user-preferences change over time (as evidenced by the growth in online services following the Covid-19 pandemic), in my view, and has been accepted in Auckland, Waikato and Hamilton in recent plan reviews.
55. Turning to specific urban design standards in the PDP as notified, the key standards that conflict with supermarkets and their operational and

functional requirements are minimum building height (NCZ-S2, LCZ-S2, MCZ-S2), active frontages (NCZ-S6, LCZ-S6, MCZ-S6), maximum building depth (NCZ-S11, LCZ-S11, MCZ-S11) and car parking activities (NCZ-R13, LCZ-R13, MCZ-R15, CCZ-R14). As set out above, these standards cannot be fully achieved without unacceptable compromise of the built form relative to the nature of the activity to be accommodated, and therefore, supermarket developments regularly need to seek consent for infringements.

56. In this regard, and as addressed more broadly below, suitably limited matters of discretion can be drafted to assess the effects arising from infringements of these standards, and proposed wording is set out in **Appendix 1**. I continue to consider a restricted discretionary activity status is acceptable for this analysis and further, that the new matters of discretion I have drafted sensibly include consideration of operational and functional requirements relative to the desired urban design outcome of the standard in question.
57. Specifically, I note that the Council has retained minimum building height standards for all centre zones, citing implementation of the NPSUD and facilitating increased development as reasons to retain⁴. The Council considers this standard encourages the realisation of suitable development potential and that it is appropriate that this standard applies across all centre zones, and indeed across entire buildings, rather than either on identified streets or frontages, as suggested by Woolworths, and other submitters.
58. I consider that provision of maximum building heights and policies enabling development potential within centres sufficiently delivers on the PDP's requirements under the PDP. I consider that a minimum building height standard, and one so inflexibly applied as proposed, will be counterproductive in respect of delivering on development potential. A varying frontage height and building height is appropriate in order to produce flexible yet feasible building design, and consideration of efficient use of sites and interaction with public realm can all be addressed in respect of consents required for new buildings or significant additions and alterations.
59. I therefore support Woolworths' proposed deletion of this standard as a more effective mechanism for achieving the NPSUD aspirations in the PDP.

⁴ Section 42A Report on MCZ, para 281 (as example).

60. In respect of active frontages, I consider the standard can remain and can apply to supermarkets given the assessment criteria include consideration of the on-site functional and operational needs, and a restricted discretionary activity status is retained for consideration of infringements.
61. In respect of the standard regarding maximum building depth, the Council has clarified that this is intended to relate only to residential buildings and with that amendment to the standard in each centre zone, I support its retention.
62. Turning to the car parking rule as it relates to activities in the NCZ, LCZ, MCZ and CCZ, I make the following comments.
63. I consider a discretionary activity consent status is unnecessary and that an appropriate assessment can be undertaken in respect of this matter for each of the centre zones. The proposed matters of discretion at **Appendix 1** are considered to ensure that appropriate assessment is undertaken whilst providing a level of certainty for applicants that where the activities are anticipated, assessment of associated car parking can be rational and streamlined.
64. Relative to supermarkets, as noted, they often require car parking to be visible and easily accessible but also given the requirements to separate loading and servicing, create legible links between site access and store access, and in consideration of CPTED. I disagree with the Council's response⁵ that alternative designs avoiding visible parking are possible; that car parking inherently has adverse visual effects that cannot be mitigated; and that a consent should therefore be required to enable assessment of those effects. The proposed restricted discretionary activity status retains the consent requirement and enables consideration of the above listed matters, albeit more efficiently and effectively, in my view.
65. Further, the Council's inclusion of "car parking at ground level" (CCZ-P2) or "carparking visible at street edge along an active frontage or non residential activity frontage" (MCZ-P4, LCZ-P4, NCZ-P4) as an identified "incompatible activity" combined with the proposed discretionary activity consent

⁵ Section 42A Report on MCZ, para 198, 199; Section 42A Report on LCZ, para 298; Section 42A Report on NCZ, para 248; Section 42A Report on CCZ, para 372.

essentially results in supermarket consenting assessments being “set up to fail”.

66. I therefore support amendments to the PDP that apply a restricted discretionary activity status, with appropriate matters of discretion, where buildings are proposed that do not meet the relevant standards. For the avoidance of doubt, all relevant standards are listed with the proposed amended activity status in **Appendix 1**.
67. Also for the avoidance of doubt, I disagree with the Council that an application to infringe Rule CCZ-R14 regarding car parking in the City Centre zone should be automatically publicly notified. I consider this is unnecessarily onerous in the context of the infringement.

RESPONSE TO SECTION 42A REPORTS

68. I have read the Section 42A reports. Where relevant, I have referred to the findings of that report in the preceding analysis of Woolworths’ key issues. For the avoidance of doubt, I continue to support the amendments to the PDP as set out in **Appendix 1** as the most effective and efficient resource management framework for supermarket development relative to anticipated business and residential growth in Wellington City.
69. I do not consider the Section 42A reports provides sufficient consideration nor a preferable resource management response to the matters raised in my evidence.

Kay Panther Knight

12 June 2023

Appendix 1 Redline Text

Neighbourhood Centre Zone

Amend Policy NCZ-P4 as follows:

Only allow activities that are potentially incompatible with the role and function of the Neighbourhood Centre Zone, where they will not have an unacceptable adverse effect on the vibrancy and amenity of the centre:

Potentially incompatible activities include:

- ~~1. Carparking visible at street edge along an active frontage or non-residential activity frontage;~~
2. Demolition of buildings that results in the creation of vacant land;
3. Ground floor residential activities on street edges identified as having an active frontage or non-residential activity frontage; and
4. Yard-based retail activities.

Comment:

Recognising the Council's position that permitted activities such as supermarkets in the NCZ would not be considered "incompatible activities", the policy is generally acceptable from a supermarket enabling and consenting perspective. However, including visible car parking in the policy draws supermarket format into this consideration, and combined with the discretionary activity consent status proposed for not complying with Rule NCZ-R13, results in supermarkets falling foul of this policy, without recognition of the operational and functional requirements of car parking for the activity.

Without the qualifier "unacceptable", this policy does not allow for any genuine and site-specific assessment of effects at consenting as it effectively "shuts the door" on consideration at time of consenting.

Amend Rule NCZ-R13 as follows:

NCZ-R13	<i>Carparking activities</i>
	<p>1. <i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p>a. <i>The activity involves:</i></p>

- i. *Provision of carparks not visible at street edge along an active frontage or non-residential activity frontage; or*
- ii. *Provision of carparks above ground floor level; or*
- iii. *Provision of carparks below ground floor level; or*
- iv. *Provision of parking spaces for people with disabilities; or*
- v. *Provision of ground floor level carparks that form part of a building specifically constructed and used for carparking purposes.*

2. Activity status: Restricted Discretionary

Where:

- a. *Compliance with the requirements of NCZ-R13.1.a is not achieved.*

Matters of discretion are:

1. The matters in NCZ-P2, NCZ-P3, NCZ-P4, NCZ-P7, NCZ-P9 and NCZ-P10;
2. The cumulative effect of the development on:
 - a. The ongoing viability and vibrancy of the Zone ;
 - b. The safety and efficiency of the transport network, including providing for a range of transport modes;
 - c. The hierarchy of roads, travel demand or vehicle use;
and
3. Operational and functional requirements associated with the activity to which the car parking is ancillary;
4. The compatibility with other activities provided for in the Zone.

Comment:

The above amendment seeks to amend the activity status of this standard infringement to restricted discretionary. It is considered that this status, plus the suggested matters of discretion, will ensure an appropriate assessment of effects is undertaken, whilst providing a level of certainty to applicants that where activities are anticipated, such assessments will be rational and streamlined. Supermarkets often require car parking to be visible, both from commercial viability perspective but also given the requirements to separate loading and servicing activities from public interfaces. This site layout requires that loading is located to the rear of a store, with the building in front and the entrance accessible and legible from the car park and street frontage. The application of blanket urban design ideals in these standards is challenged such that the proposed amendment seeks to explicitly exclude supermarkets from complying with this standard.

Amend Rule NCZ-R18 as follows:

NCZ-R18	<p align="center">Construction of, or additions and alterations to, buildings and structures</p>
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Alterations or additions to a building or structure:</p> <ol style="list-style-type: none"> i. Do not alter the external appearance of the building or structure; or ii. Relate to a building frontage below verandah level, including entranceways and glazing and compliance with NCZ-S5 is achieved; or iii. Do not result in the creation of new residential units; and iv. Are not visible from public spaces; and v. Comply with effects standards NCZ-S1, NCZ-S2, NCZ-S3, NCZ-S4, NCZ-S5 and NCZ-S6; and <p>b. The construction of any building or structure:</p> <ol style="list-style-type: none"> i. Is not located on a site with an active frontage or non-residential activity frontage; or ii. Is not visible from a public space; and iii. Will have a gross floor area of less than 100m² and iv. Will result in a total coverage (together with other buildings) of no more than 20 percent of the site; and v. Comply with effects standards NCZ-S1, NCZ-S2, NCZ-S3, NCZ-S4, NCZ-S5 and NCZ-S6; and vi. Does not involve the construction of a new building for residential activities.
	<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>1. Compliance with any of the requirements of NCZ-R18.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in NCZ-P6, NCZ-P7, NCZ-P8, NCZ-P9 and NCZ-P10, <u>excluding for supermarkets exceeding NCZ-R18(b)(iii);</u> 2. <u>For supermarkets exceeding NCZ-R18(b)(iii), the preceding matters, having regard to the functional requirements of the activities that the buildings are intended to accommodate. This</u>

will include the effects of the design and location of parking areas, vehicle access and servicing arrangements on the visual amenity of the streetscape and on pedestrian safety;

3. *The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard;*
4. *City Outcomes Contribution as required in Appendix 16 for any building that exceeds the maximum height requirement at Ngaio, Berhampore and Aro Valley centres;*
5. *The extent and effect of any identifiable site constraints;*
6. *Construction impacts on the transport network; and*
7. *The availability and connection to existing or planned three waters infrastructure.*

Notification status:

An application for resource consent made in respect of rule NCZ-R18.2.a that complies with all standards is precluded from being either publicly or limited notified.

An application for resource consent made in respect of rule NCZ-R18.2.a that complies with both [NCZ-S3](#), [NCZ-S7](#), [NCZ-S8](#), [NCZ-S9](#), [NCZ-S10](#) and [NCZ-S11](#) is precluded from being either publicly or limited notified.

An application for resource consent made in respect of rule NCZ-R18.2.a that results from non-compliance with [NCZ-S1](#), [NCZ-S2](#), [NCZ-S4](#), [NCZ-S5](#) and [NCZ-S6](#) is precluded from being publicly notified.

Comment:

Consideration of operational and functional requirements within an assessment of design outcomes is appropriate to properly enable supermarkets within centre zones. The wording is taken from the Auckland Unitary Plan H12.8.1 matters of discretion in respect of new buildings for supermarkets in the Neighbourhood Centre zone.

Delete Standard NCZ-S2 in its entirety:

~~1. A minimum height of 7m is required for:~~

- ~~a. New buildings or structures; and~~
- ~~b. Additions to the frontages of existing buildings and structures.~~

Comment:

I support Woolworths' proposed deletion as this is an overly onerous standard when the PDP should be promoting development in the centres. If this is to be retained in some degree, then I also agree with Woolworths' suggestion that this is refined to

be a building frontage height standard and limited to specified streets as identified on the planning maps to achieve centre vibrancy and amenity. Otherwise it remains an onerous inclusion for activities to assess at consenting.

Local Centre Zone

Amend Policy LCZ-P4 as follows:

Only allow activities that are potentially incompatible with the role and function of the Local Centre Zone, where they will not have an unacceptable adverse effect on the vibrancy and amenity of the centre:

Potentially incompatible activities include:

- ~~1. Carparking visible at street edge along an active frontage or non-residential activity frontage;~~
2. Demolition of buildings that results in the creation of vacant land;
3. Ground floor residential activities on street edges identified as having an active frontage or non-residential activity frontage; and
4. Yard-based retail activities.

Comment:

Recognising the Council's position that permitted activities such as supermarkets in the LCZ would not be considered "incompatible activities", the policy is generally acceptable from a supermarket enabling and consenting perspective. However, including visible car parking in the policy draws supermarket format into this consideration, and combined with the discretionary activity consent status proposed for not complying with Rule LCZ-R13, results in supermarkets falling foul of this policy, without recognition of the operational and functional requirements of car parking for the activity.

Without the qualifier "unacceptable", this policy does not allow for any genuine and site-specific assessment of effects at consenting as it effectively "shuts the door" on consideration at time of consenting.

Amend Rule LCZ-R13 as follows:

LCZ-R13	<i>Carparking activities</i>
	<p>1. <i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p>a. <i>The activity involves:</i></p>

- i. *Provision of carparks not visible at street edge along an active frontage or non-residential activity frontage; or*
- ii. *Provision of carparks above ground floor level; or*
- iii. *Provision of carparks below ground floor level; or*
- iv. *Provision of parking spaces for people with disabilities; or*
- v. *Provision of ground floor level carparks that form part of a building specifically constructed and used for carparking purposes.*

2. Activity status: Restricted Discretionary

Where:

- a. *Compliance with the requirements of LCZ-R13.1.a is not achieved.*

Matters of discretion are:

1. The matters in LCZ-P2, LCZ-P3, LCZ-P4, LCZ-P7, LCZ-P9 and LCZ-P10;
2. The cumulative effect of the development on:
 - a. The ongoing viability and vibrancy of the Zone ;
 - b. The safety and efficiency of the transport network, including providing for a range of transport modes;
 - c. The hierarchy of roads, travel demand or vehicle use;
and
3. Operational and functional requirements associated with the activity to which the car parking is ancillary;
4. The compatibility with other activities provided for in the Zone.

Comment:

The above amendment seeks to amend the activity status of this standard infringement to restricted discretionary. It is considered that this status, plus the suggested matters of discretion, will ensure an appropriate assessment of effects is undertaken, whilst providing a level of certainty to applicants that where activities are anticipated, such assessments will be rational and streamlined. Supermarkets often require car parking to be visible, both from commercial viability perspective but also given the requirements to separate loading and servicing activities from public interfaces. This site layout requires that loading is located to the rear of a store, with the building in front and the entrance accessible and legible from the car park and street frontage. The application of blanket urban design ideals in these

standards is challenged such that the proposed amendment seeks to explicitly exclude supermarkets from complying with this standard.

Amend Rule LCZ-R18 as follows:

LCZ-R18	Construction of, or additions and alterations to, buildings and structures
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Any alterations or additions to a building or structure:</p> <ul style="list-style-type: none"> i. Do not alter the external appearance of the building or structure; or ii. Relate to a building frontage below verandah level, including entranceways and glazing and compliance with LCZ-S5; or iii. Do not result in the creation of new residential units; and iv. Are not visible from public spaces; and v. Comply with effects standards LCZ-S1, LCZ-S2, LCZ-S3, LCZ-S4, LCZ-S5, LCZ-S6 and LCZ-SX (Boundary setback from a rail corridor). <p>b. The construction of any building or structure:</p> <ul style="list-style-type: none"> i. Is not located on a site with an active frontage or non-residential activity frontage; or ii. Is not visible from a public space; and iii. Will have a gross floor area of less than 100m² and iv. Will result in a total coverage (together with other buildings) of no more than 20 percent of the site; and v. Comply with effects standards LCZ-S1, LCZ-S2, LCZ-S3, LCZ-S4, LCZ-S5, LCZ-S6 and LCZ-SX (Boundary setback from a rail corridor); and vi. Does not involve the construction of a new building for residential activities
	<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>1. Compliance with any of the requirements of LCZ-R18.1 cannot be achieved.</p> <p>Matters of discretion are:</p>

2. The matters in [LCZ-P6](#), [LCZ-P7](#), [LCZ-P8](#), [LCZ-P9](#) and [LCZ-P10](#); excluding for supermarkets exceeding LCZ-R18(b)(iii);
3. For supermarkets exceeding LCZ-R18(b)(iii); the preceding matters, having regard to the functional requirements of the activities that the buildings are intended to accommodate. This will include the effects of the design and location of parking areas, vehicle access and servicing arrangements on the visual amenity of the streetscape and on pedestrian safety;
4. The extent and effect of non-compliance with [LCZ-S1](#), [LCZ-S2](#), [LCZ-S3](#), [LCZ-S4](#), [LCZ-S5](#), [LCZ-S6](#), [LCZ-S7](#), [LCZ-S8](#), [LCZ-S9](#), [LCZ-S10](#), [LCZ-S11](#) and [LCZ-SX](#) (Boundary setback from a rail corridor);
5. City Outcomes Contribution as required in Appendix 16 for any building that exceeds the maximum height requirement;
6. The extent and effect of any identifiable site constraints;
7. Construction impacts on the transport network; and
8. The availability and connection to existing or planned three waters infrastructure.

Notification status:

An application for resource consent made in respect of rule LCZ-R18.2.a that complies with all standards is precluded from being either publicly or limited notified.

An application for resource consent made in respect of rule LCZ-R18.2.a that complies with [LCZ-S3](#), [LCZ-S7](#), [LCZ-S8](#), [LCZ-S9](#), [LCZ-S10](#) and [LCZ-S11](#) is precluded from being either publicly or limited notified.

An application for resource consent made in respect of rule LCZ-R18.2.a that results from non-compliance with [LCZ-S1](#), [LCZ-S2](#), [LCZ-S4](#), [LCZ-S5](#) and [LCZ-S6](#) is precluded from being publicly notified.

Comment:

Consideration of operational and functional requirements within an assessment of design outcomes is appropriate to properly enable supermarkets within centre zones. The wording is taken from the Auckland Unitary Plan H11.8.1 matters of discretion in respect of new buildings for supermarkets in the Local Centre zone.

Delete Standard LCZ-S2:

~~1. A minimum height of 7m is required for:~~

~~-~~

~~a. New buildings or structures; and~~

~~b. Additions to the frontages of existing buildings and structures.~~

Comment:

I support Woolworths' proposed deletion as this is an overly onerous standard when the PDP should be promoting development in the centres. If this is to be retained in some degree, then I also agree with Woolworths' suggestion that this is refined to be a building frontage height standard and limited to specified streets as identified on the planning maps to achieve centre vibrancy and amenity. Otherwise it remains an onerous inclusion for activities to assess at consenting.

Metropolitan Centre Zone

Amend Policy MCZ-P4 as follows:

Only allow activities that are potentially incompatible with the role and function of the Metropolitan Centre Zone, where they will not have an unacceptable adverse effect on the vibrancy and amenity values of the centre:

Potentially incompatible activities include:

- ~~1. Carparking visible at street edge along an active frontage or non-residential activity frontage;~~
2. Demolition of buildings that results in the creation of vacant land;
3. Ground floor residential activities on street edges identified as having an active frontage or non-residential activity frontage; and
4. Yard-based retail activities.

Comment:

Recognising the Council's position that permitted activities such as supermarkets in the MCZ would not be considered "incompatible activities", the policy is generally acceptable from a supermarket enabling and consenting perspective. However, including visible car parking in the policy draws supermarket format into this consideration, and combined with the discretionary activity consent status proposed for not complying with Rule MCZ-R15, results in supermarkets falling foul of this policy, without recognition of the operational and functional requirements of car parking for the activity.

Without the qualifier "unacceptable", this policy does not allow for any genuine and site-specific assessment of effects at consenting as it effectively "shuts the door" on consideration at time of consenting.

Amend Rule MCZ-R15 as follows:

MCZ-R15	Carparking activities
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity involves:</p> <p style="padding-left: 20px;">i. Provision of carparks not visible at street edge along an active frontage or non-residential activity frontage; or</p>

- ii. *Provision of carpark above ground floor level; or*
- iii. *Provision of carpark below ground floor level; or*
- iv. *Provision of parking spaces for people with disabilities; or*
- v. *Provision of ground floor level carpark that form part of a building specifically constructed and used for carparking purposes.*

2. Activity status: Restricted Discretionary

Where:

- a. *Compliance with the requirements of MCZ-R15.1.a is not achieved.*

Matters of discretion are:

1. The matters in MCZ-P2, MCZ-P3, MCZ-P4, MCZ-P7, MCZ-P9 and MCZ-P10;
2. The cumulative effect of the development on:
 - a. The ongoing viability and vibrancy of the Zone ;
 - b. The safety and efficiency of the transport network, including providing for a range of transport modes;
 - c. The hierarchy of roads, travel demand or vehicle use; and
3. Operational and functional requirements associated with the activity to which the car parking is ancillary;
4. The compatibility with other activities provided for in the zone.

Comment:

The above amendment seeks to amend the activity status of this standard infringement to restricted discretionary. It is considered that this status, plus the suggested matters of discretion, will ensure an appropriate assessment of effects is undertaken, whilst providing a level of certainty to applicants that where activities are anticipated, such assessments will be rational and streamlined. Supermarkets often require car parking to be visible, both from commercial viability perspective but also given the requirements to separate loading and servicing activities from public interfaces. This site layout requires that loading is located to the rear of a store, with the building in front and the entrance accessible and legible from the car park and street frontage. The application of blanket urban design ideals in these standards is challenged such that the proposed amendment seeks to explicitly exclude supermarkets from complying with this standard.

Amend Rule MCZ-R20 as follows:

MCZ-R20	Construction of, or additions and alterations to, buildings and structures
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Any alterations or additions to a building or structure:</p> <ul style="list-style-type: none"> i. Do not alter the external appearance of the building or structure; or ii. Relate to a building frontage below verandah level, including entranceways and glazing and compliance with MCZ-S5; or iii. Do not result in the creation of new residential units; and iv. Are not visible from public spaces; and v. Comply with standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, MCZ-S6 and MCZ-SX (Boundary setback from a rail corridor); <p>b. The construction of any building or structure:</p> <ul style="list-style-type: none"> i. Is not located on a site with an active frontage or non-residential activity frontage; or ii. Is not visible from a public space; and iii. Will have a gross floor area of less than 100m² and iv. Will result in a total coverage (together with other buildings) of no more than 20 percent of the site; and v. Will comply with effects standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, MCZ-S6 and MCZ-SX (Boundary setback from a rail corridor) and vi. Does not involve the construction of a new building for residential activities
	<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>1. Compliance with any of the requirements of MCZ-R20.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The matters in MCZ-P6, MCZ-P7, MCZ-P8 and MCZ-P9 2. <u>For supermarkets exceeding MCZ-R20(b)(iii), the preceding matters, having regard to the functional requirements of the activities that the</u>

buildings are intended to accommodate. This will include the effects of the design and location of parking areas, vehicle access and servicing arrangements on the visual amenity of the streetscape and on pedestrian safety;

3. *The extent and effect of non-compliance with [MCZ-S1](#), [MCZ-S2](#), [MCZ-S3](#), [MCZ-S4](#), [MCZ-S5](#), [MCZ-S6](#), [MCZ-S7](#), [MCZ-S8](#), [MCZ-S9](#), [MCZ-S10](#), [MCZ-S11](#) and [MCZ-SX](#) (Boundary setback from a rail corridor);*
4. *City Outcomes Contribution as required in Appendix 16 for any building that exceeds the maximum height requirement;*
5. *The extent and effect of any identifiable site constraints;*
6. *Construction impacts on the transport network; and*
7. *The availability and connection to existing or planned three waters infrastructure.*

Notification status:

An application for resource consent made in respect of rule MCZ-R20.2.a that complies with all standards is precluded from being either publicly or limited notified.

An application for resource consent made in respect of rule MCZ-R20.2 which complies with [MCZ-S3](#), [MCZ-S7](#), [MCZ-S8](#), [MCZ-S9](#), [MCZ-S10](#) and [MCZ-S11](#) is precluded from being either publicly or limited notified.

Notification status: An application for resource consent made in respect of rule MCZ-R20.2 which results from non-compliance with [MCZ-S1](#), [MCZ-S2](#), [MCZ-S4](#), [MCZ-S5](#) and [MCZ-S6](#) is precluded from being publicly notified.

Comment:

Consideration of operational and functional requirements within an assessment of design outcomes is appropriate to properly enable supermarkets within centre zones. The wording is taken from the Auckland Unitary Plan H9.8.1 matters of discretion in respect of new buildings for supermarkets in the Metropolitan Centre zone.

Delete Standard MCZ-S2 as follows:

~~1. A minimum height of 7m is required for:~~

~~-~~

~~a. New buildings or structures; and~~

~~b. Additions to the frontages of existing buildings and structures.~~

Comment:

I support Woolworths' proposed deletion as this is an overly onerous standard when the PDP should be promoting development in the centres. If this is to be retained in some degree, then I also agree with Woolworths' suggestion that this is refined to

be a building frontage height standard and limited to specified streets as identified on the planning maps to achieve centre vibrancy and amenity. Otherwise it remains an onerous inclusion for activities to assess at consenting.

City Centre Zone

Amend Policy CCZ-P2 as follows:

Only allow activities that are potentially incompatible with the role and function of the City Centre Zone, where they will not have an **unacceptable** adverse effect on its vitality, vibrancy amenity, resilience and accessibility. Potentially incompatible activities include:

1. Industrial activities;
2. Yard-based retail activities;
- ~~3. Carparking at ground level;~~
4. Demolition of buildings that results in the creation of vacant land;
5. Ground floor residential activities on street identified as requiring either an active frontage or verandah.

Comment:

Recognising the Council's position that permitted activities such as supermarkets in the CCZ would not be considered "incompatible activities", the policy is generally acceptable from a supermarket enabling and consenting perspective. However, including visible car parking in the policy draws supermarket format into this consideration, and combined with the discretionary activity consent status proposed for not complying with Rule CCZ-R14, results in supermarkets falling foul of this policy, without recognition of the operational and functional requirements of car parking for the activity.

Without the qualifier "unacceptable", this policy does not allow for any genuine and site-specific assessment of effects at consenting as it effectively "shuts the door" on consideration at time of consenting.

Amend Rule CCZ-R14 as follows:

CCZ-R14	<i>Carparking activities</i>
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity involves:</p> <ol style="list-style-type: none"> i. Provision of carparks above ground level; or ii. Provision of carparks below ground floor level; or iii. Provision of parking spaces for people with disabilities; or

	<p>iv. <i>Provision of ground level carparks that form part of a building specifically constructed and used for carparking purposes.</i></p>
	<p>2. Activity status: <u>Restricted Discretionary</u></p> <p>Where:</p> <p>a. Compliance with the requirements of CCZ-R14.1.a cannot be achieved.</p> <p><u>Matters of discretion are:</u></p> <ol style="list-style-type: none"> 1. <u>The matters in CCZ-P2, CCZ-P5, CCZ-P9 CCZ-P11, CCZ-P12;</u> 2. <u>The cumulative effect of the development on:</u> <ol style="list-style-type: none"> a. <u>The ongoing viability and vibrancy of the Zone ;</u> b. <u>The safety and efficiency of the transport network, including providing for a range of transport modes;</u> c. <u>The hierarchy of roads, travel demand or vehicle use; and</u> 3. <u>Operational and functional requirements associated with the activity to which the car parking is ancillary;</u> 4. <u>The compatibility with other activities provided for in the zone.</u> <p>Notification status: An application for resource consent made in respect of rule CCZ-R14.2.a must be publicly notified.</p>

Comment:

The above amendment seeks to amend the activity status of this standard infringement to restricted discretionary. It is considered that this status, plus the suggested matters of discretion, will ensure an appropriate assessment of effects is undertaken, whilst providing a level of certainty to applicants that where activities are anticipated, such assessments will be rational and streamlined. Supermarkets often require car parking to be visible, both from commercial viability perspective but also given the requirements to separate loading and servicing activities from public interfaces. This site layout requires that loading is located to the rear of a store, with the building in front and the entrance accessible and legible from the car park and street frontage. The application of blanket urban design ideals in these standards is challenged such that the proposed amendment seeks to explicitly exclude supermarkets from complying with this standard.

The mandatory public notification status for infringing is proposed to be deleted as this is unnecessarily onerous in the context of the infringement.

Mixed Use Zone

Amend Policy MUZ-P3 as follows:

~~Only a~~ Allow the establishment of integrated retail activities and large supermarkets in the Mixed Use Zone if it can be demonstrated that they will:

1. Not result in significant adverse impacts on the vitality, role and function of the City Centre or any Metropolitan, Local or Neighbourhood Centres;
2. Not result in significant adverse impacts on the sustainability, safety or efficiency of the transport network and the hierarchy of roads from trip patterns, travel demand or vehicle use; and
3. Be compatible with adjoining land uses.

Comment:

The proposed amendment is considered more appropriate wording relative to the restricted discretionary activity status for 'large' supermarkets within the Mixed Use zone. Supermarkets that infringe MUZ-R12 are restricted discretionary and therefore generally anticipated by the Plan, such that the wording should therefore reflect that enabling approach.

Amend Standard MUZ-S6 as follows:

MUZ-S6	Maximum gross floor area of buildings
<ol style="list-style-type: none"> 1. Any building <u>(except for supermarkets)</u> must not exceed a maximum gross floor area of 500m². 2. <u>Any supermarket building must not exceed a maximum gross floor area of 1500m²</u> 	<p>Assessment Criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. The extent to which the additional floor area is necessary to provide for functional needs or operational needs of the activities on the site; 2. Dominance, privacy and shading effects on adjoining sites; and 3. The extent to which the design, appearance and location of the building on the site mitigates the visual impact or dominance effects of the additional building area on the surrounding area.

Comment:

The proposed amendment seeks to establish a baseline for the development of supermarket buildings in the MUZ which is in line with the scale established under MUZ-R12. This is considered a commensurate response given the permitted scale of supermarket buildings in this zone. Council's response is that R12 infers

supermarkets do not need to comply with S6, however the changes above are considered to confirm that beyond doubt.

General Industrial Zone

Amend Objective GIZ-O2 (as amended in s42A report) as follows:

Protection of the General Industrial Zone

Industrial activities and the role and function of the General Industrial zone are not constrained or compromised by:

1. *Incompatible activities and/or reverse sensitivity effects;*
2. *Activities sensitive to nuisance effects including odour, dust and noise; and*
3. *Commercial activities that are provided for in centres and mixed use zones unless they are of a nature and scale that does not undermine the hierarchy of centres.*

Comment:

Amendments to this Objective are proposed to enable consideration of commercial activities within the General Industrial zone at a consenting level while also retaining recognition of the importance of the centres hierarchy. The changes are also consistent with the intention to alter the activity status for supermarkets within the zone to discretionary under new Rule GIZ-R5A.

Amend Policy GIZ-P4 as follows

Avoid commercial activities in the General Industrial Zone that do not result in unacceptable adverse effects that undermine the vibrancy of centres, recognising that some commercial activities can be comfortably accommodated within the zone, including except for:

1. *Office, retail and other commercial activities which are ancillary to industrial activities; and*
2. *Trade supply retail, wholesalers, building improvement centres, service retail and yard based retail.*

Comment:

Amendments to this Policy are proposed to enable consideration of operational and functional needs while also retain recognition of the centres hierarchy. The changes are also consistent with the intention to alter the activity status for supermarkets within the zone to discretionary under new Rule GIZ-R5A.

Insert New Rule GIZ-R5A as follows:

<u>GIZ-R5A</u>	<u>Supermarkets</u>
	1. <u>Activity status:-Discretionary</u>

Comment:

A discretionary activity consent status is more appropriate for supermarkets in the General Industrial zone than non-complying as proposed. This activity specific rule avoids concerns about other commercial activities being more easily consented in the zone under GIZ-R5 Commercial Activities, which retain a non-complying activity unless they are trade supply retail, wholesale retail, building improvement centres, service retail or yard based retail.

Supermarkets can demonstrate compliance with the relevant matters in GIZ-O2 and GIZ-P4 (as amended) having regard to not creating reverse sensitivity, not being sensitive to nuisance effects, are not incompatible with the General Industrial zone having regard to form and function, including being car-based activities, requiring servicing and large format buildings. A discretionary activity status still enables a fulsome assessment of the activity at time of consenting, including having regard to effects on centres and non-industrial use of industrial land.