

**IN THE MATTER**            the Resource Management Act 1991

**AND**

**IN THE MATTER**            of the Proposed Wellington City District Plan

**HEARING REFERENCE**    Stream 4 - Centres

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**STATEMENT OF EVIDENCE OF EVITA KEY ON BEHALF OF  
FOODSTUFFS NORTH ISLAND LIMITED**

**PLANNING**

**12 JUNE 2023**

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## 1. INTRODUCTION

- 1.1 My full name is Evita Caroline Key. I am a planning consultant and Senior Associate at Barker & Associates Limited, an independent, specialist planning and urban design consultancy with offices throughout New Zealand. I hold a Bachelor of Science with Honours from the University of Canterbury and a Post Graduate Diploma in Resource Studies from Lincoln University.
- 1.2 I have over 20 years' experience covering a wide range of planning matters on behalf of local authorities and private entities in New Zealand, Australia, and the United Kingdom. During that time, I have been involved with many aspects of planning including preparation and lodgement of resource consent applications, submissions, and presentation of evidence to local authorities in respect of resource consents, proposed plans, and plan changes. In addition to this, I also have a wide range experience with the application of District and Regional Plan provisions throughout the North Island relating to several supermarket developments by Foodstuffs North Island Limited ("**Foodstuffs**") as well as preparing submissions and evidence on plan changes that have directly affected current and future developments by Foodstuffs.

## 2. CODE OF CONDUCT

- 2.1 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this written evidence is within my area of expertise.
- 2.2 I have no conflicts of interest to declare.

## 3. ENGAGEMENT

- 3.1 I have been engaged by Foodstuffs to prepare and present this statement of evidence to address the matters raised in Foodstuffs primary and further submissions on Wellington City Council's Proposed District Plan ("**the PDP**").

## 4. FOODSTUFFS STORES

4.1 Foodstuffs is New Zealand's largest grocery retailer with over 325 stores across the North Island and serving over 2.7 million New Zealanders every week. Foodstuffs is 100% New Zealand owned and operated and employs more than 30,000 people nationwide.

4.2 Foodstuffs supermarket brands consist of New World, Pak'nSave, Four Square and Gilmours which operate throughout the North Island as well as at the national level. Within Wellington, Foodstuffs currently operate 18 stores (refer **Table 1**). Further expansion opportunities in the future are projected to serve growing communities.

Store	Address	PDP Zone	PDP Controls
New World Railway Metro	2 Bunny St, Pipitea	City Centre	Height Control: 35.4m and 50m Minimum sunlight access - public space requirement: Railway station forecourt
New World Willis Street Metro	70 Willis St, Wellington Central	City Centre	Height Control: 95m Active Frontage Verandah Control
New World Wellington City	279 Wakefield St, Te Aro	City Centre	Height Control: 42.5m Active Frontage Verandah Control
New World Thorndon	150 Molesworth St, Thorndon	City Centre	Height Control: 27m and 43.8m Active Frontage Verandah Control
Four Square Shalimar	308 Willis Street, Aro Valley	City Centre	Height Control: 28.5m
Pak'nSave and Fuel Kilbirnie	5 Onepu Road, Kilbirnie	Metropolitan Centre	Height Control: 27m Non-Residential Activity Frontage
New World Newtown	195 Riddiford St, Newtown	Local Centre	Height Control: 22m
New World Miramar	54 Miramar Ave, Miramar	Local Centre	22m max building height Non-residential activity frontage
New World Island Bay	8 Medway St, Island Bay	Local Centre	Height Control: 22m Non-Residential Activity Frontage
New World Karori	236 Karori Rd	Local Centre	Height Control: 18m Active Frontage Non-Residential Activity Frontage Verandah Control
New World Khandallah	26 Ganges Rd, 3 Dekka St and 31-33 Nicholson Rd	Local Centre and Medium Density Residential	Height Control: 14m and 22m Non-Residential Activity Frontage
New World Churton Park	103 Westchester Dr, Churton Park	Local Centre	Height Control: 22m Active Frontage Verandah Control

New World Newlands	1 Bracken Rod, Newlands	Local Centre	Height Control: 22m Active Frontage Non-Residential Activity Frontage Verandah Control
New World Tawa	37 Oxford Street, Tawa	Local Centre	Height Control: 22m Non-Residential Activity Frontage
Four Square Hataitai	1 Moxham Ave, Hataitai	Local Centre	Height Control: 12m Active Frontage Verandah Control
Four Square Kelburn	97A Upland Rd, Kelburn	Local Centre	Height Control: 22m Active Frontage Verandah Control
Four Square Karori	147 Karori Rd, Karori	Neighbourhood Centre	Height Control: 12m Active Frontage Verandah Control
Four Square Seatoun	35 Falkirk Ave, Seatoun	Neighbourhood Centre	Height Control: 12m Active Frontage Verandah Control

4.3 While these existing stores either have a resource consent, existing use rights or are permitted activities, the appropriate planning framework is vital for future expansions and redevelopments of these stores, and the development of new supermarkets to support growth in Wellington. In Foodstuffs experience, regional and district planning frameworks often do not properly recognise the need for businesses growth to occur, especially alongside residential growth. Given Foodstuffs significant past and planned further investment in the region, the content of these and any future District Plan provisions are integral to the continuing operation and development of Foodstuffs in Wellington.

## 5. SCOPE OF EVIDENCE

5.1 My statement of evidence addresses the Commercial and Mixed Use zones (“**CMUZ**”) section within Part 3 of the PDP.

5.2 My evidence responds to recommendations made within the Overview and Parts 1-6 of the Section 42A Hearing Reports (“**s42A reports**”) for Hearing Stream 4 prepared by Ms Anna Stevens, Ms Lisa Hayes and Ms Hannah van Haren-Giles, planners at Wellington City Council. To reduce unnecessary repetition, where I agree with the reporting planners’ recommendations, I have simply stated so in my evidence.

- 5.3 Foodstuffs made a submission (submission #476 - see **Attachment 1**) and further submission (further submission #FS23 - see **Attachment 2**) on the PDP. A summary of Foodstuffs submission is on the Council's website<sup>1</sup>.
- 5.4 My evidence will specifically address the following matters where I either support or disagree with the recommendations of Ms Stevens, Ms Hayes and Ms van Haren-Giles, being grouped thematically as follows:
- Commercial and Mixed Use zone policies;
  - Supermarket activity status;
  - Carparking rules;
  - Standards on building heights, active frontages and building depth; and
  - Planning maps with respect to zoning.

## 6. COMMERCIAL AND MIXED-USE ZONE POLICIES

- 6.1 Foodstuffs submission generally supported the approach taken in the PDP to reinforce Wellington's network of centres as the commercial, community and recreational focal points of the region and specifically supported the recognition of medium and high-density development and the enablement of a wide range of activities.

### 'Accommodating Growth' Policies NCZ-P1, LCZ-P1 and MCZ-P1

- 6.2 Foodstuffs submission was opposed to the references in the policies that referred to undermining the ongoing viability, vibrancy, and primacy of the higher order Centre zones<sup>2</sup>. The submission sought that the policies should instead make reference to the purpose of the zone as detailed in Objective 1.
- 6.3 The s42A report (Part 2) for the Metropolitan Centre zone ("**MCZ**") acknowledged that there would be "*potential additional costs for developers at the resource consent stage (for example, through the requirement to commission expert economic assessments)*"

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<sup>1</sup> Refer pages 403-416 of the [Summary of Submissions by Submitter](#)

<sup>2</sup> Submission points 476.12, 476.23 and 476.40

and therefore accepted the relief sought in the MCZ Policy 1 (MCZ-P1.1) which now reads as follows:

*A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that ~~does not undermine the ongoing viability, vibrancy and primacy of the City Centre Zone~~ **supports the purpose of the zone;**<sup>3</sup>*

6.4 Whist the s42A reports (Part 3 and 4) rejected the same policy relief sought for the Local Centre zone (“**LCZ**”) Policy 1.1 and Neighbourhood Centre zone (“**NCZ**”) Policy 1.1, it has been recommended that the reference to “ongoing viability” is deleted.

6.5 I support a regulatory framework that recognises and reinforces the role of the CMUZ for business and community investment, and the encouragement of employment and business growth. In order to facilitate growth and attract investment, it is important to reduce unnecessary additional costs for developers at the resource consent stage. As acknowledged in the s42A report (Part 2), the reference to viability in the MCZ would have this effect and it is therefore recommended to be deleted. I fully support the recommended amendment to Policy MCZ-P1.1 and I generally support the recommended amendments to Policies NCZ-P1.1 and LCZ-P1.1 to delete “ongoing viability”. However, I am of the opinion that the amendments should go further and also remove the references to vibrancy of the other centres for the following reasons:

- Actual effects on vibrancy are only able to be assessed once an activity is operational. Therefore, is it not possible for an activity proposed as part of a resource consent to provide such an assessment. The s.42A appears to also acknowledge this is a concern noting:

*“I acknowledge that this does not resolve the issue I have previously raised with respect to how this matter will be addressed in a resource consent application, but consider that the scale of any NCZ development will be an indication of whether or not this outcome is achieved.”*

- Vibrancy is a matter for the market rather than district plan regulation.

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<sup>3</sup> Refer page 2 of the [MCZ Recommended Amendments to Provisions](#)

- Development within the CMUZ should be considered on their own rights without the additional administrative burden of requiring assessments of effects on the higher order centres.

6.6 As such, I recommend that in addition to the deletion of references to “ongoing viability” within NCZ-P1.1 and LCZ-P1.1, the references to “vibrancy” should also be deleted.

‘Potentially Incompatible Activities’ Policy CCZ-P2

6.7 Foodstuffs submission sought an amendment to Policy CCZ-P2.3 to provide for an exclusion of ground level carparking that is visible at the street edge or public space in the City Centre zone (“**CCZ**”)⁴. This would be consistent with the other centre zones which do provide a similar exclusion.

6.8 The s42A report (Part 1) rejected this submission and noted the following:

*“I do not agree that this change is necessary. CCZ-P2 is notes that carparking at ground level is a ‘potentially’ incompatible activity, and CCZ-R14 further details circumstances when carparking at ground level will be a permitted activity...*

*Instead, what CCZ-P2(3) and CCZ-R14 seek to restrict is sites that are being used just for carparking at ground level, or where carparking is provided at the ground floor along street edges...*

*The strong focus on deterring ground level carparking and only enabling carparking above ground level, below ground level, carparking for people with disabilities, or ground level carparking as part of a carparking buildings, discourages car use in the CCZ but still provides potential for carparking for residential activities and commercial activities.”*

6.9 Ground level carparking is comprehensively considered in Section 8 of my evidence below. In addition to the matters addressed in Section 8 of my evidence, in my opinion, at a minimum, the policy should be amended to be consistent with the other centre zones as follows:

***Carparking ~~at ground level~~ visible at the street edge along an active frontage or non-residential activity frontage;***

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⁴ Submission point 476.49

'Quality Design' Policies NCZ-P7, LCZ-P7, MCZ-P7, CCZ-P9, COMZ-P5 and MUZ-P3

- 6.10 Foodstuffs submission<sup>5</sup> sought amendments to Quality Design Policies NCZ-P7, LCZ-P7, MCZ-P7, CCZ-P9, COMZ-P5 and MUZ-P3 with respect to the additional of the following wording:

*Recognise the functional and operational requirements of activities and development.*

- 6.11 The s42A reports recommended the submission be rejected and considered the following:

*"I disagree that the request to reference functional and operational needs within the policy is a necessary change to the policy. The PDP provides definitions of 'functional need' and 'operational need'..."*

*This change would require that these needs are taken into account in all cases, whereas within the assessment criteria they are only referenced in relation to specific standards. Essentially, the requested change would elevate the importance of operational and/or functional needs and may result in outcomes that are inconsistent with the purpose of the zone. Retaining the reference in the relevant standards allows decision-makers to take these into account but does not unduly elevate the importance of these..."*

*I note that functional need and operational need are referenced in assessment criteria for some standards including CCZ-S4 minimum building height, CCZ-S5 minimum ground floor height and CCZ-S8 active frontage control. I consider that addressing these through certain standards' assessment criteria is sufficient and policy references are not required..."*

*In my view, consideration for functional need and operational need is not appropriate for every type of development enabled..."*

- 6.12 Due to the "require" wording at the start of the Quality Design policies NCZ-P7, LCZ-P7, MCZ-P7, CCZ-P9, COMZ-P5 and MUZ-P3, I acknowledge that if the amendment Foodstuffs sought was included as a new number within the policy (i.e. No. 3), this would have an unintended consequence of requiring an assessment of the functional

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<sup>5</sup> Submission points 476.13-14, 476.24-25, 476.33-34, 476.36-37, 476.41-42 and 476.50 -51

and operational needs in all cases. This was not the intention of the submission which sought to “recognise” the need, rather than “require”. Conversely, utilising the same argument that has been put forward in the s42A reports, part 2.c of the policies (as per Appendix A), also requires that all development “*Provides for the increased levels of residential accommodation anticipated*”. Presumably this is not the intention of the policy as not all proposed development will include a residential element. This could be remedied by replaced the initial policy wording from “*Require new development, and alterations...*” to “*Provide for new development, and alterations...*” or “*Enable new development, and alterations...*”.

- 6.13 In addition to being defined in the PDP, functional and operational needs are also defined in the National Planning Standards<sup>6</sup> which indicates that they are commonly referenced in district plans around New Zealand. I consider that the PDP should include policy provisions that acknowledge the functional and operational needs in the Centre zones, particularly that of retail activities. This relates predominantly in respect to access and servicing which influences built form. For example, supermarkets often have difficulty achieving the urban design outcomes preferred in centres, but it is strategically still more desirable to have them located within centres than in out-of-centre locations.
- 6.14 The effect of the functional and operational needs within the policy is to ensure that, if a particular retail activity cannot achieve preferred built form outcomes, a satisfactory alternative should be focussed on in preference to refusal of consent and an erosion of that centre’s agglomeration. This approach is a feature of many New Zealand district plans and this does not cause any issues at the resource consent stage. I recommend the policy inclusion as a practical and pragmatic balancing of competing issues while recognising the positive contribution retail activities make to Centres.
- 6.15 I therefore maintain that the PDP should include such wording within the CMUZ policies, however this should not fall under a list of items that development is required to consider and it should instead be under the items that are able to be recognised, where required.

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<sup>6</sup> <https://environment.govt.nz/assets/publications/national-planning-standards-november-2019-updated-2022.pdf>

'City Outcomes Contribution' Policies NCZ-P10, LCZ-P10, MCZ-P10 and CCZ-P11

- 6.16 Foodstuffs submission<sup>7</sup> opposed the City Outcomes Contribution and sought the deletion of policies NCZ-P10, LCZ-P10, MCZ-P10 and CCZ-P11 and all other references to the City Outcomes Contributions within the PDP and design guides.
- 6.17 The City Outcomes Contributions (“**COCs**”) were discussed in the s42A report (Part 1) where the submissions opposed to the mechanism were largely rejected except for the recommendation to amend wording to provide greater clarity by reducing the trigger points to ‘over and under height’ development, and by moving the COCs from the design guides to an appendix within the PDP.
- 6.18 Whilst I appreciate that the COCs aim to provide public benefits and that taller buildings can have negative effects, I do not consider that these two concepts are necessarily linked. Furthermore, I do agree that non-compliance with under-height development in the CCZ (CCZ-S4) should be linked to COCs. This is because the COCs do not address the potential adverse effects of building heights. Additionally, I do not believe it is accurate to describe COC as incentives as they may discourage the construction of buildings that might otherwise be acceptable based on their specific impact. I am of the opinion that the assessment of any building height non-compliance should be based on the effects that they create and the positive outcomes of a development should be assessed separately.

**7. SUPERMARKET ACTIVITY STATUS**

- 7.1 Foodstuffs submission<sup>8</sup> supported supermarkets being permitted activities in the CMUZ. The s42A reports have not proposed any changes to the notified version. I continue to support the permitted activity status as this reinforces that the development and operation of supermarkets are enabled and encouraged within the CMUZ.

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<sup>7</sup> Submission points 476.1, 476.15, 476.26, 476.43, 476.52, FS23.29 and FS23.64

<sup>8</sup> Submission points 476.92, 476.94, 476.100

## 8. CARPARKING RULES

### Activity Status for Carparking Activities (NCZ-R13, LCZ-R13, MCZ-R15 and CCZ-R14)

- 8.1 Foodstuffs submission<sup>9</sup> was opposed to the discretionary activity status for carparking activities in the centre zones that do not comply with the permitted activity requirements and sought to amend the activity status to restricted discretionary.
- 8.2 The s42A reports considered that there are the following concerns with respect to carparking activities:
- *“MCZR15 seeks to prevent the long term use of sites in the MCZ for car-parking purposes as this can undermine the viability and vibrancy of a centre and prevent the realisation of development potential. The Discretionary activity status reflects the underlying policy framework, which establishes that these activities are ‘potentially incompatible’.*
  - *In my view the Discretionary Activity status sends a strong signal that ground floor parking is considered to be a sub-optimal use of CCZ land.*
  - *Under the ODP there are no provisions focused on efficient optimisation of CCZ sites or sufficient provisions to deter ground level parking including controlling the impacts of demolition... the CCZ has had a number of empty sites that have been used for carparking as a short to medium term land use whilst redevelopment of sites is considered.*
  - *The Discretionary activity status reflects the underlying policy framework, which establishes that these activities are ‘potentially incompatible’ within the CCZ.*
  - *In conjunction with CCZR18 (Demolition or removal of buildings and structures), CCZ-R14 seeks to prevent the long term use of sites in the CCZ for car-parking purposes as this can undermine the viability and vibrancy of a centre and prevent the realisation of development potential.”*

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<sup>9</sup> Submission points 476.16-17, 476.27-28, 476.44-45 and 476.53-54

- 8.3 The assessment within the s42A report (Part 1) appeared to have a particular focus on long-term carparking activities such as a site operated a private company for paid commuter parking. I have no concerns with a discretionary activity status for such an activity. Foodstuffs submission is solely related to ancillary customer/staff parking with respect to retail activities, i.e. short-term parking. If the Council's intention relates to ground level long-term carparking then it would be more appropriate to have separate activity statuses that differentiates between short-term (ancillary) and long-term parking.
- 8.4 The s42A report (Part 1) referred to carparking undermining the viability of a centre however this is not reflected in the objectives or policies as CCZ-P1 and CCZ-P2 only make reference to vibrancy and demolition. The deletion of "viability" from the CCZ introduction and CCZ-P1 has had an unintended consequence that any resource consent application for ancillary carparking, would be unable to consider effects on viability of the activity. Furthermore, as the s42A report also rejected the submission points relating to functional and operational requirements within the 'Quality Design' policies, there would be limited ability for any resource consent application to consider this further.
- 8.5 The main characteristics of a supermarket from a transportation perspective are that supermarkets attract large volumes of customers, who make regular visits to purchase significant quantities of groceries and other household items. While smaller supermarkets (New World Metro and Four Square) are generally more suited to customers seeking to make smaller purchases who may choose to travel by other modes (public transport, walking, cycling), there is an underlying need for larger supermarkets to provide for customer carparking. Therefore, short-term (ancillary) carparking is a functional need for a supermarket activity. This functional need provides for the viability to the supermarket which in turn provides for the viability of the centre.
- 8.6 Supermarkets tend to generate high levels of parking demand and the provision of short-term customer parking that is readily available is fundamental to a supermarket operation and competition. Whereas customers of many other retail activities may be able to use slightly more remote and "shared" parking opportunities (and indeed in many situations should be encouraged to do so), the need to transport groceries means that carparking must be provided and be available as close as possible to the supermarket entrance. If customers are unable get a parking space then they will choose to shop elsewhere.

- 8.7 A significant number of supermarket trips in the larger centres are from customers who happen to be passing by the supermarket on the way to another destination such as from work to home. On site carparking provides for customers wishing to purchase large quantities of groceries on a pass-by trip which promotes multi-purpose trips. This helps to avoid adding to congestion from single purpose supermarket trips and makes those trips more convenient for a portion of the public.
- 8.8 Whilst I agree that the PDP should retain an appropriate level of discretion for short-term ground level carparking to ensure good urban design outcomes, a restricted discretionary activity status is sufficient to allow for the appropriate consideration of design. A discretionary activity status for short-term parking is unnecessarily onerous.
- 8.9 Therefore, I maintain the opinion that the activity status for short-term carparking activities not meeting the permitted activity status under rules NCZ-R13, LCZ-R13, MCZ-R15 and CCZ-R14 to be a restricted discretionary activity. There should be a separate discretionary activity status for long-term carparking which would signal that this is an undesirable activity.

Public Notification Status in the City Centre Zone (CCZ-R14)

- 8.10 Foodstuffs submission sought the deletion of the public notification status under CCZ-R14 for any carparking in the CCZ that was not a permitted activity<sup>10</sup>.
- 8.11 The s42A report (Part 1) stated that:

*“I consider mandatory public notification is appropriate as it discourages these activities from occurring within the zone at the expense of more appropriate activities and land uses that more efficiently optimise sites.”*

- 8.12 As with all CMUZ provisions, a balance needs to be achieved between enabling development, in order to provide for development growth and competition, while also achieving design and amenity objectives and managing adverse effects. Notification can assist the Council in forming a decision under section 104 of the RMA where submitters can provide additional information that may not otherwise be available, particularly where persons are directly affected.

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<sup>10</sup> Submission point 476.56

- 8.13 As the effects that relate to the infringement of this rule are already well understood (impacts on streetscape, active frontages, quality of the public environment, etc), it is considered unlikely that the decision maker would obtain any additional unknown information through mandatory public notification. In my view, it is inappropriate and inefficient to utilise a risk of notification to disincentivise ground level carparking within this zone.
- 8.14 The general notification requirements under Part 1<sup>11</sup> of the PDP state that restricted discretionary, discretionary, or non-complying activities are subject to the normal tests for notification unless otherwise stated in the PDP or the Council decides that special circumstances exist. The purpose of public notification is not to discourage certain activities from occurring. This should instead be done via the objectives, policies, and activity status of the PDP.
- 8.15 Furthermore, there will be many instances where there are minor infringements to the permitted activity provision which may be appropriately assessed without notification, particularly where consideration of design measures can ensure that adverse effects on character and amenity are adequately mitigated to be minor or less than minor. Two such examples would be where ground level carparking is proposed to the rear of a building or where an applicant seeks to reconfigure the layout of an existing carpark to accommodate new parking spaces for electric charging stations or car sharing spaces. Based on the currently proposed drafting of CCZ-R14, these example situations would be required to be publicly notified which would act as a significant disincentive to an applicant and presumably is not reflective of the intent of the rule.
- 8.16 To reduce risk (time, cost and uncertainty) to applicants through infringing this rule, I consider it more appropriate for the normal notification tests to apply and seek that public notification status under CCZ-R14 is deleted or only applied to long-term carparking.

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<sup>11</sup> Introduction and General Provisions / How the Plan Works / General Approach

### Permitted Rule for Carparking Activities in the City Centre Zone (CCZ-R14)

8.17 In the CCZ, Foodstuffs submission sought the inclusion of carparking that was not visible at the street edge or public space to be permitted<sup>12</sup>.

8.18 The s42A report (Part 1) the following is noted:

*“I do not recommend carparking that is not visible along the street edge (inferred) being a permitted activity. I consider that to enable the efficient use of land and intensification in the CCZ, it is appropriate that the activity is subject to a resource consent process.”*

8.19 CCZ-R14 recognises that the provision of accessible parking at ground level is desirable therefore allows for this as a permitted activity. As noted in section 8.15 above, there are likely to be many situations where other ground level parking would also be appropriate. Such examples include carparking or loading located to the rear of an existing or proposed building (i.e. not visible from the streetscape), spaces for electric cars, and with respect to supermarkets, spaces for parents with small children as well as click and collect. Based on the current wording of CCZ-R14, all of these situations would require a discretionary activity resource consent that is public notified.

8.20 I maintain that the permitted activity status exclusions are not sufficient and will have unintended consequences of limiting acceptable development within the CCZ potentially resulting in developers seeking to instead acquire and develop sites outside of the CCZ where the rules are more permissive for carparking. At a minimum, CCZ-R14 should be more consistent with the other CMUZ rules that allow for the permitted provision of carparks not visible at street edge along an active frontages or non-residential activity frontages.

## **9. MINIMUM BUILDING HEIGHT STANDARDS**

9.1 Foodstuffs submission sought the deletion of the standards that relate to minimum building height<sup>13</sup> (NCZ-S2, LCZ-S2, MCZ-S2 and CCZ-S4) and minimum ground floor height<sup>14</sup> (NCZ-S3, LCZ-S3, COMZ-S3, MUZ-S4, MCZ-S3 and CCZ-S5).

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<sup>12</sup> Submission point 476.55

<sup>13</sup> Submission points 476.18, 476.29, 476.46 and 476.57

<sup>14</sup> Submission points 476.19, 476.30, 476.35, 476.38, 476.47 and 476.58

- 9.2 It is considered that these standards are unnecessary and would be more appropriate to have within the Design Guidelines and/or as matters of discretion. In my experience, developers will seek to maximise the development potential of their land and will ensure that the design of a proposed building appropriately provides for services and daylight to allow for a wide flexibility of use.
- 9.3 The s42A report (Part 1) noted that supermarkets can be part of mixed-use developments which allows for increased development capacity and more efficient use of sites with many examples across New Zealand, predominantly in Auckland. It is of relevance to note such examples for Foodstuffs only relate to small supermarkets (New World Metro and Four Square) where the supermarket tenancy has occupied an existing building. Foodstuffs core business is the development, operation, and ownership of supermarkets, not the redevelopment of sites as mixed-use, high-density developments.
- 9.4 Planning provisions should be enabling development to occur rather than including unnecessary restrictions on development. At the very least, to avoid unnecessary additional costs of going through a resource consent process, the minimum heights should only be applied to active frontages which are the most important in terms of pedestrian amenity and streetscape quality.

## **10. FRONTAGE STANDARDS**

- 10.1 Foodstuffs submission<sup>15</sup> sought amendments to streamline the frontage standards NCZ-S6, LCZ-S6, MCZ-S6 and CCZ-S8 and included portions instead within the Design Guidance and/or as matters of discretion.
- 10.2 Whilst the s42A reports have recommended the submission be rejected, there have been several suggested amendments to excluding vehicle and pedestrian access and service stations. I support these amendments as they provide appropriate exceptions to the frontage controls.
- 10.3 Notwithstanding, I consider that there are other circumstances where not building up to the street boundary will not be possible, for example sites that encompass a whole block such as New World Wellington City at 279 Wakefield Street. Whilst I acknowledge that any effects in not meeting the frontage standard would need to be assessed at resource consent stage, to provide additional flexibility I recommend

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<sup>15</sup> Submission points 476.20-21, 476.31-32, 476.48 and 476.63-64

amending the standard so that only 90% of an active frontage must be built up to the street edge. I also recommend amending the standards to clarify that the requirement to build up to the boundary only applies to a certain minimum building height of 7m rather than the full height. This provides flexibility for buildings to be set-back at upper floors to enable podium levels to buildings.

## **11. BUILDING DEPTH STANDARDS**

- 11.1 Foodstuffs submission<sup>16</sup> sought that maximum building depth standards NCZ-S11, LCZ-S11, MCZ-S11 and CCZ-S12 be deleted.
- 11.2 Whilst the s42A reports (Parts 2-4) have recommended the submission is rejected, the building depth standards NCZ-S11, LCZ-S11 and MCZ-S11 have all been amended to only apply to residential activities. I support this amendment however there is a concern that the amended wording may be misinterpreted as applying to residential additions only. For the avoidance of doubt, I suggest that the wording of the title should also be amended to include reference to residential activities, i.e. *“Maximum building depth for residential activities”*.
- 11.3 Curiously, the s42A report (Part 1) has not recommended any amendments to CCZ-S12. It is unclear why there is an inconsistency between CCZ-S12 and the three above-mentioned building depth standards which have all been amended. I recommend that standard CCZ-S12 is also amended to only apply to residential activities as per the Council officers reasoning for the amendments to NCZ-S11, LCZ-S11 and MCZ-S11.

## **12. PLANNING MAPS**

- 12.1 Foodstuffs submission<sup>17</sup> sought to retain the zoning of their stores located in Wellington. For New World Khandallah, they sought the zoning of 3 Dekka Street and 31-33 Nicholson Road to be amended to LCZ<sup>18</sup> as these properties are all owned by Foodstuffs and a resource consent application is currently being considered by Council (Ref. SR 517439) to extend the supermarket activity over these properties.

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<sup>16</sup> Submission points 476.83, 476.93, 476.95A and 476.101

<sup>17</sup> Submission points 476.67-79, 476.82, 476.84-91 and 476.96-100

<sup>18</sup> Submission points 476.80-81

- 12.2 This rezoning request was considered by Council officers as part of Hearing Stream 2. The [Stream 2 s42A report \(Part 3\)](#) stated:

*“I disagree with the request to rezone 3 Dekka Street. I acknowledge that a resource consent has been applied for to expand the supermarket operation into the site. However, I note the possibility that the resource consent is not acted upon.”*

- 12.3 The resource consent application is progressing and I understand that this will shortly be limited notified, as per Foodstuffs request. Consultation with neighbours has been undertaken to obtain their comments and concerns so that they can be addressed or mitigated. Foodstuffs have gone to considerable expense to purchase these properties and they have every intention to develop them as the existing carparking situation for the New World is not sufficient to service the existing supermarket. Rezoning the sites to LCZ will ensure that any future supermarket development on 3 Dekka Street and 31-33 Nicholson Road is able to be appropriately considered at the resource consent stage to ensure that quality design outcomes are achieved while appropriately managing any adverse effects on adjacent sites, the transport network, and pedestrian linkages.

### **13. CONCLUSION**

- 13.1 Overall, I am generally supportive of the PDP and majority of the recommendations within the s42A reports.

- 13.2 There are five main areas, which I have addressed within this evidence, where my opinion differs from the position and recommendations of the s42A reports. These relate to:

- CMUZ policies relating to the growth, ground level carparking, functional and operational requirements and COCs;
- Supermarket activity status in the CMUZ;
- Carparking rules in the CMUZ and public notification in the CCZ;
- Standards on building heights, active frontages and building depth; and
- Planning maps with respect to zoning in Khandallah.

13.3 The amendments proposed within my evidence will, in my view, best achieve the objectives and policies of the Wellington District Plan in terms of ensuring:

- The efficiency and effectiveness of the provisions in accordance with s32 of the RMA; and
- That the overall framework provided by the Wellington District Plan is implemented in the manner intended and achieves the sustainable management purpose of the RMA.



**Evita Key**

**12 June 2023**

**Attachment 1 - Foodstuffs Submission #476**

**Attachment 1:** The specific submission points on the Wellington City Proposed District Plan that this submission relates to are as follows.

Note ~~strikethrough~~ text represents text proposed to be deleted and ***bold italic*** text represents text proposed to be inserted.

PDP Reference	Submission / Reasons	Support / Oppose	Relief Sought
<b>Part 1: Introduction and General Provisions</b>			
Definitions	<p>The PDP contains a number of definitions that FSNI supermarkets will fall under being:</p> <ul style="list-style-type: none"> <li>• Supermarket</li> <li>• Retail activity</li> <li>• Commercial activity</li> <li>• Large format retail</li> </ul> <p>FSNI supports the Definitions.</p> <p>It would be beneficial for the PDP to include a nesting table on the hierarchy of activities because would provide a logical method for organising different land use activities in a broader term.</p>	Support	Include nesting table.
<b>Part 2: District-Wide Matters - Transport</b>			
<p><b>Rules: Land Use Activities</b></p> <p>On-site vehicle parking and manoeuvring - TR-R5</p>	<p>FSNI supports no minimum or maximum on-site vehicle parking requirements.</p> <p>FSNI also supports the preclusion of public notification of an infringement to TR-R5. The rule incorrectly references TR-R4.</p>	Support in part	<p>FSNI seeks that TR-R5 is amended as follows:</p> <p><i>Notification status: An application under Rule <del>TR-R4</del> <b>TR-R5</b> is precluded from being publicly notified.</i></p>
<p><b>Rules: Land Use Activities</b></p> <p>Car sharing activities - TR-R5</p>	<p>The rule has the same number of the rule above and should be amended to TR-R6.</p>	Support in part	<p>FSNI seeks that all references to TR-R5 under the car sharing rules are amended to TR-R6.</p>
<b>Part 3: Area-Specific Matters - Policies</b>			
<p><b>Accommodating Growth</b></p> <p>Neighbourhood Centre Zone - NCZ-P1</p>	<p>FSNI generally supports the objectives and policies for the Neighbourhood, Local and Metropolitan Centre zones, and specifically supports the recognition of medium and high-density development and the enablement of a wide range of activities.</p> <p>However, FSNI is opposed to the references on undermining the ongoing viability, vibrancy and primacy of the other Centre zones. The Centres each fulfil a different purpose as detailed in Objective 1, and are of different scales to one another. Any development within the lower order Centres should be considered in its own right without the additional administrative burden of potentially requiring assessments of effects on the higher order Centres.</p>	Support in part	<p>FSNI seeks that NCZ-P1.1 is amended as follows:</p> <p><i>1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that <del>does not undermine the ongoing viability and vibrancy of the Local Centre Zone and Metropolitan Centre Zone and primacy of the City Centre Zone</del> <b>supports the purpose of the zone;</b></i></p>
<p><b>Accommodating Growth</b></p> <p>Local Centre Zone - LCZ-P1</p>	<p>FSNI generally supports the objectives and policies for the Neighbourhood, Local and Metropolitan Centre zones, and specifically supports the recognition of medium and high-density development and the enablement of a wide range of activities.</p> <p>However, FSNI is opposed to the references on undermining the ongoing viability, vibrancy and primacy of the other Centre zones. The Centres each fulfil a different purpose as detailed in Objective 1, and are of different scales to one another. Any development within the lower order Centres should be considered in its own right without the additional administrative burden of potentially requiring assessments of effects on the higher order Centres.</p>	Support in part	<p>FSNI seeks that LCZ-P1.1 is amended as follows:</p> <p><i>1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that <del>does not undermine the viability and vibrancy of the Metropolitan Centre Zone and the primacy of the City Centre Zone</del> <b>supports the purpose of the zone;</b></i></p>

<p><b>Accommodating Growth</b></p> <p>Metropolitan Centre Zone - MCZ-P1</p>		Support in part	<p>FSNI seeks that MCZ-P1.1 is amended as follows:</p> <ol style="list-style-type: none"> <li>1. <i>A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that <del>does not undermine the ongoing viability, vibrancy and primacy of the City Centre Zone</del> supports the purpose of the zone;</i></li> </ol>
<p><b>Potentially Incompatible Activities</b></p> <p>City Centre Zone - CCZ-P2</p>	<p>FSNI is opposed to all ground level car parking being considered as a potentially incompatible activity in the City Centre zone. The policy seeks to protect adverse effects on amenity therefore if the car parking is not visible then this policy should not apply. This would be consistent with the other centre zones which do provide such an exclusion.</p> <p>Retail activities such as supermarkets generally seek to provide on-site customer car parking. This policy, together with the public notification requirement under CCZ-R14.2.a, will act as a significant deterrent to development in City Centre zone.</p>	Oppose in part	<p>FSNI seeks that CCZ-P2.3 is amended as follows:</p> <ol style="list-style-type: none"> <li>3. <i>Carparking <del>at ground level</del> <b>visible at the street edge or public space;</b></i></li> </ol>
<p><b>Quality Design</b></p> <p>Neighbourhood Centre Zone - NCZ-P7</p> <p>Local Centre Zone - LCZ-P7</p> <p>Metropolitan Centre Zone - MCZ-P7</p> <p>City Centre Zone - CCZ-P9</p> <p>Commercial Zone - COMZ-P5</p> <p>Mixed Use Zone - MUZ-P3</p>	<p>Whilst functional and operational needs are referred to within some assessment criteria, there is no correlation to any policies.</p>	Support in part	<p>Within the 'Quality Design' policies (NCZ-P7, LCZ-P7, MCZ-P7, CCZ-P9, COMZ-P5, and MUZ-P3) include the addition of the following in all the Centre zones, Commercial zone and Mixed Use zone:</p> <p><i><b>Recognise the functional and operational requirements of activities and development.</b></i></p>
<p><b>City Outcomes Contribution</b></p> <p>Neighbourhood Centre Zone - NCZ-P10</p> <p>Local Centre Zone - LCZ-P10</p> <p>Metropolitan Centre Zone - MCZ-P10</p> <p>City Centre Zone - CCZ-P11</p>	<p>Policies NCZ-P10, LCZ-P10, MCZ-P10 and CCZ-P11 and related rules require over or under height, large-scale residential, non-residential and comprehensive development in the Centres to deliver City Outcomes Contributions as detailed in the Design Guide guideline G107.</p> <p>FSNI is opposed to the 'City Outcomes Contributions' provisions, and specifically is opposed to requiring contributions for development in the City Centre zone that is below the minimum height limit.</p> <p>While FSNI recognises the intent of these provisions in providing publicly beneficial outcomes, it is inappropriate for the provision of these publicly beneficial outcomes to be connected to non-compliance with height rules. Developments that breach height standards should instead be considered on their own merits and effects. The provision of beneficial outcomes in any development should be considered as part of the merits of a development, and should not be confined to a specified and required list.</p> <p>The 'City Outcomes Contributions' have the potential to act as a disincentive for development, which conflicts with the PDP strategic</p>	Oppose	<p>FSNI seeks that NCZ-P10, LCZ-P10, MCZ-P10 and CCZ-P11 are deleted and all other references to the City Outcomes Contributions be removed from the PDP and design guides.</p>

	objectives and NPS-UD requirements of providing for development capacity and urban intensification.		
<b>Commercial Activities</b> General Industrial Zone - GIZ-P4	Objective GIZ-O3.2 acknowledges the ability of certain commercial activities that are of a nature and scale that do not undermine the hierarchy of Centres however Policy GIZ-P4 lists only certain commercial activities.	Support in part	FSNI seeks that GIZ-P4 is amended as follows:  Avoid commercial activities in the General Industrial Zone except for:  1. Office, retail and other commercial activities which are ancillary to industrial activities; <i>or</i>  2. Trade supply retail, wholesalers, building improvement centres, service retail and yard based retail; <i>or</i>  3. <i>Are of a nature and scale that does not undermine the hierarchy of Centres.</i>
<b>Part 3: Area-Specific Matters - Rules</b>			
<b>Carparking Activities</b> Neighbourhood Centre Zone - NCZ-R13 Local Centre Zone - LCZ-R13 Metropolitan Centre Zone - MCZ-R15	FSNI is opposed to the Discretionary Activity status for car parking activities that do not comply with the permitted activity requirements.	Oppose	FSNI seeks that NCZ-R13, LCZ-R13 and MCZ-R15 are amended as follows:  1. Activity status: Permitted Where: a. The activity involves: 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: <del>Discretionary</del> <b>Restricted Discretionary</b> Where: a. Compliance with the requirements of NCZ-R13.1.a   LCZ-R13.1.a   MCZ-R15.1.a cannot be achieved.
<b>Carparking Activities</b> City Centre Zone - CCZ-R14	FSNI is opposed to the Discretionary Activity status for car parking activities that do not comply with the permitted activity requirements. Furthermore, if the car parking is not visible then this should be a permitted activity as per the other centre zones.  FSNI is also opposed to the requirement for public notification of any carparks at ground level in the City Centre Zone.		FSNI seeks that CCZ-R14 is amended as follows:  1. Activity status: Permitted Where: a. The activity involves: i. <b>Provision of carparks not visible at the street edge or public space; or</b> 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: <del>Discretionary</del> <b>Restricted Discretionary</b> Where:

			<p>a. Compliance with the requirements of CCZ-R14.1.a cannot be achieved.</p> <p><del>Notification status: An application for resource consent made in respect of rule CCZ-R14.2.a must be publicly notified.</del></p>
<b>Part 3: Area-Specific Matters - Standards</b>			
<p><b>Minimum Building Height</b></p> <p>Neighbourhood Centre Zone - NCZ-S2</p> <p>Local Centre Zone - LCZ-S2</p> <p>Metropolitan Centre Zone - MCZ-S2</p> <p>City Centre Zone - CCZ-S4</p>	<p>Whilst FSNI supports certain bulk and location standards in the Commercial and Mixed Use zones, FSNI considers that the standards on minimum building height and minimum ground floor height are unnecessary and would be more appropriate to have within the Design Guidance and/or as matters of discretion.</p>	Oppose	<p>FSNI seeks that NCZ-S2, NCZ-S3, LCZ-S2, LCZ-S3, COMZ-S3, MUZ-S4, MCZ-S2, MCZ-S3, CCZ-S4 and CCZ-S5 are deleted.</p>
<p><b>Minimum Ground Floor Height</b></p> <p>Neighbourhood Centre Zone - NCZ-S3</p> <p>Local Centre Zone - LCZ-S3</p> <p>Commercial Zone - COMZ-S3</p> <p>Mixed Use Zone - MUZ-S4</p> <p>Metropolitan Centre Zone - MCZ-S3</p> <p>City Centre Zone – CCZ-S5</p>			
<p><b>Active Frontage and Non-Residential Activity Frontage Controls</b></p> <p>Neighbourhood Centre Zone - NCZ-S6</p> <p>Local Centre Zone - LCZ-S6</p> <p>Metropolitan Centre Zone - MCZ-S6</p> <p>City Centre Zone - CCZ-S8</p>	<p>Whilst FSNI supports certain bulk and location standards in the Commercial and Mixed Use zones, FSNI considers that the standards on active frontage and non-residential activity frontage controls are overly prescriptive.</p> <p>In FSNI's experience, centres and commercial areas have a mixture of street typologies. Most have at least one main shopping street and while it is appropriate that these streets have high levels of activation, there are secondary frontages or streets are less important retail streets and have lower levels of pedestrian activity.</p> <p>It would be would be more appropriate to streamline the standards with portions instead included within the Design Guidance and/or as matters of discretion.</p>	Oppose in part	<p>FSNI seeks that NCZ-S6, LCZ-S6 and MCZ-S6 are amended as follows:</p> <ol style="list-style-type: none"> <li>1. <b><i>Dwellings must not locate on the ground floor of</i></b> <del>Any new building or addition to an existing building on</del> an identified street with an active frontage <b><i>or a non-residential activity frontage control for any new building, or ground level addition or alteration to an existing building. must:</i></b> <ol style="list-style-type: none"> <li>a. <del>Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary;</del></li> <li>b. <del>Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and</del></li> <li>c. <del>Locate the principal public entrance on the front boundary;</del></li> </ol> </li> <li>2. Any <b><i>new building or</i></b> ground level addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that: <ol style="list-style-type: none"> <li>a. Is more than <del>43</del> metres wide; and</li> </ol> </li> </ol>

			<p>b. Extends from a height of 1m above ground level to a maximum height of 2.5m; <i>and</i></p> <p>c. <i>Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent.</i></p> <p><del>3. Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent; and</del></p> <p><del>4. Any new building or addition to an existing building on a site with a non-residential activity frontage control must:</del></p> <p style="padding-left: 20px;"><del>a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary; and</del></p> <p style="padding-left: 20px;"><del>b. Locate the principal public entrance on the front boundary.</del></p> <p>FSNI seeks that CCZ-S8 is amended as follows:</p> <p>1. <i>Dwellings must not locate on the ground floor of</i> <del>Any new building or addition to an existing building on</del> an identified street with an active frontage <i>for any new building, or ground level addition or alteration to an existing building. must:</i></p> <p style="padding-left: 20px;"><del>a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary;</del></p> <p style="padding-left: 20px;"><del>b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and</del></p> <p style="padding-left: 20px;"><del>c. Locate the principal public entrance on the front boundary;</del></p> <p>2. Any <i>new building or</i> ground level addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that:</p> <p style="padding-left: 20px;">a. Is more than 4 metres wide; and</p> <p style="padding-left: 20px;">b. Extends from a height of 1m above ground level to a maximum height of 2.5m; and</p> <p style="padding-left: 20px;">c. Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent.</p>
<p><b>Maximum Building Depth</b></p> <p>Neighbourhood Centre Zone - NCZ-S11</p> <p>Local Centre Zone - LCZ-S11</p>	<p>FSNI is opposed to the Centre standards which sets a maximum 25m continuous depth of any external side wall.</p> <p>The word “continuous” is defined as forming an unbroken whole, without being interrupted. It is unclear whether the standard would still apply if the side wall was modulated.</p>	<p>Oppose</p>	<p>FSNI seeks that NCZ-S11, LCZ-S11, MCZ-S11 and CCZ-S12 are deleted.</p>

<p>Metropolitan Centre Zone - MCZ-S11</p> <p>City Centre Zone - CCZ-S12</p>	<p>It would appear that the intent of these standards relates to privacy and dominance effects on neighbours and preventing a long featureless building façade. Privacy and dominance effects are more appropriately dealt with via the height, height in relation to boundary and outlook space standards. Furthermore, any new building in a Centre zone that is visible from the public realm requires consent and consideration of objectives and policies that also address amenity and design.</p> <p>FSNI considers that the standards on maximum building depth are unnecessary and will act as a constraint on appropriate development and design.</p>		
<p><b>Part 4: Design Guides</b></p>			
<p><b>Centres and Mixed Use Design Guide</b></p>	<p>While FSNI generally supports the intent and provisions of the Design Guide, it is important that the design guides are reference documents that sit outside the PDP, rather than being formally incorporated into it. Incorporating the design guides into the PDP elevates these provisions into the form of standards, rather than what they are intended to be as guidance. It is not appropriate to provide that the Council's discretion is restricted to all matters in the Design Guide. This does not give any clear direction or certainty for applicants and is onerous for the preparation and assessment of resource consent applications.</p>	<p>Support in part</p>	<p>FSNI seeks amendments to remove all direct references to the design guides in the PDP and for the relevant provisions to instead refer to the specific design outcomes that are being sought.</p>
	<p>Page 10 ('The Internal Spaces') makes reference to buildings in the Centre zones to be designed to facilitate multiple used and changes over time.</p> <p>While FSNI recognises that this is useful for some developments, supermarkets are designed and constructed for a specific activity therefore the guidance should recognise also the functional and operational requirements of activities and development, i.e. practicalities such as servicing, storage and rubbish bins.</p>	<p>Support in part</p>	<p>FSNI seek amendment as follows:</p> <ul style="list-style-type: none"> <li>• <i>Buildings in Centres and the Central area are designed to facilitate multiple uses and changes in use over time <b>while recognising the functional and operational requirements of activities and development.</b></i></li> </ul>

**Attachment 2:** Foodstuffs current store locations in the Wellington City area and related submission points:

Site	PDP Zone	Support / Oppose	Relief Sought
<b>New World Railway Metro</b> 2 Bunny St, Pipitea	City Centre	<ul style="list-style-type: none"> <li>• Support zoning</li> <li>• Support supermarket as permitted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Retain zoning as notified</li> </ul>
<b>New World Willis Street Metro</b> 70 Willis St, Wellington Central	City Centre	<ul style="list-style-type: none"> <li>• Support zoning</li> <li>• Support supermarket as permitted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Retain zoning as notified</li> </ul>
<b>New World Wellington City</b> 279 Wakefield St, Te Aro	City Centre	<ul style="list-style-type: none"> <li>• Support zoning</li> <li>• Support supermarket as permitted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Retain zoning as notified</li> </ul>
<b>New World Thorndon</b> 150 Molesworth St	City Centre	<ul style="list-style-type: none"> <li>• Support zoning</li> <li>• Support supermarket as permitted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Retain zoning as notified</li> </ul>
<b>Pak'nSave Kilbirnie</b> 5 Onepu Road	Metropolitan Centre	<ul style="list-style-type: none"> <li>• Support zoning</li> <li>• Support supermarket as permitted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Retain zoning as notified</li> </ul>
<b>New World Newtown</b> 195 Riddiford St	Local Centre	<ul style="list-style-type: none"> <li>• Support zoning</li> <li>• Support supermarket as permitted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Retain zoning as notified</li> </ul>
<b>New World Miramar</b> 54 Miramar Ave	Local Centre	<ul style="list-style-type: none"> <li>• Support zoning</li> <li>• Support supermarket as permitted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Retain zoning as notified</li> </ul>
<b>New World Island Bay</b> 8 Medway St	Local Centre	<ul style="list-style-type: none"> <li>• Support zoning</li> <li>• Support supermarket as permitted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Retain zoning as notified</li> </ul>
<b>New World Karori</b> 236 Karori Rd	Local Centre	<ul style="list-style-type: none"> <li>• Support zoning</li> <li>• Support supermarket as permitted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Retain zoning as notified</li> <li>• Amend the proposed maximum height from 18m to 22m</li> </ul>
<b>New World Khandallah</b> 26 Ganges Rd, 3 Dekka St and 31-33 Nicholson Rd	Local Centre and Medium Density Residential	<ul style="list-style-type: none"> <li>• Support zoning of 26 Ganges Rd</li> <li>• Support supermarket as permitted activity</li> <li>• Oppose residential zoning of 3 Dekka St and 31-33 Nicholson Rd</li> </ul>	<ul style="list-style-type: none"> <li>• Retain Local Centre zoning of 26 Ganges Rd as notified</li> <li>• Rezone 3 Dekka St and 31-33 Nicholson Rd from residential zoning to Local Centre zone as these three properties are all owned by FSNI and a resource consent application is currently being considered by Council (Ref. SR 517439) to extend the supermarket activity.</li> </ul>
<b>New World Newlands</b> 1 Bracken Rod	Local Centre	<ul style="list-style-type: none"> <li>• Support zoning</li> <li>• Support supermarket as permitted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Retain zoning as notified</li> </ul>
<b>New World Churton Park</b> 103 Westchester Dr	Local Centre	<ul style="list-style-type: none"> <li>• Support zoning</li> <li>• Support supermarket as permitted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Retain zoning as notified</li> </ul>
<b>New World Tawa</b> 37 Oxford Street	Local Centre	<ul style="list-style-type: none"> <li>• Support zoning</li> <li>• Support supermarket as permitted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Retain zoning as notified</li> </ul>

**Attachment 2 - Foodstuffs Further Submission #FS23**

# Foodstuffs North Island (FSNI) Further Submission

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
McDonald's	274.4	Definitions	Amend	Given the discretionary default there needs to be certainty provided in this regards and McDonald's consider that it would be beneficial for the PDP to include a nesting table on the hierarchy of activities. This provides a logical method for organising different land use activities in a broader term.	Seeks amendment to include nesting table for definitions.	Support	Supports FSNI submission (476.2) to create a nesting table within the definitions.	Allow submission
Woolworths New Zealand	359.1	Whole PDP	Amend	Considers that the plan should provide a "centre plus" approach by adopting a more flexible planning regime, rather than the current PDP's direct and control model of setting commercial and land supply use. To support this "centres plus" approach, the activity status of supermarkets (essential services and catalysts for well-functioning urban environments) would be more appropriate as: <ul style="list-style-type: none"> <li>Permitted in all Centre zones,</li> <li>Restricted Discretionary in the Mixed-Use Zone, for larger-scale supermarkets</li> <li>Discretionary in the General Industrial Zone and General Residential Zone.</li> </ul>	Seeks that a "centres plus" approach is adopted in the Proposed District Plan, so as to provide more flexibility in the planning of supermarkets in Centre Zones, Mixed-Use Zones, General Industrial Zones and General Residential Zones.	Support	Supports FSNI submission (476.92, 476.94, and 476.100) for supermarkets to be permitted activities in Centre zones.	Allow submission
Woolworths New Zealand	359.51	NCZ-P10	Amend	Considers that NCZ-P10 is unclear and should be amended. Notes that the policy contains an incorrect reference to the Centres and Mixed Use Design Guide document (should be G97 as opposed to G107). A review of the guideline indicates that G97 City Outcomes Contribution is only triggered for City Centre zone developments (under or over height development comprising 50 or more units or any comprehensive development) and for over height development comprising 25 or more units or any comprehensive development in the MCZ, NCZ, LCZ and HRZ. As such, the Policy as currently drafted implies that any non-residential development in the NCZ is subject to this policy which is incorrect. The above amendment seeks to align this Policy with the Guide document.	Amend NCZ-P10 (City outcomes contribution) as follows: Require over height, large-scale residential, non-residential and comprehensive development that are over height in the Neighbourhood Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline G107 G97, including through either:	Oppose in part	FSNI submission (476.15) seeks to remove this policy in its entirety.	Reject submission in part
Woolworths New Zealand	359.52	NCZ-R13	Amend	Considers that NCZ-R13 should be amended so that the activity status of this standard infringement is changed 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	Amend NCZ-R13 (Carparking activities) as follows 2. Activity Status: <u>Restricted</u> Discretionary Where: a. Compliance with the requirements of NCZ-R13.1.a is not achieved.	Support in part	Supports FSNI submission (476.16 and 476.17).	Allow submission in part

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
				<p>activities are anticipated, such assessments will be rational and streamlined.</p> <p>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.</p>	<p><u>Matters of discretion are:</u></p> <p><u>1. The matters in NCZ-P2, NCZ-P3, NCZ-P4, NCZ-P7, NCZ-P9 and NCZ-P10;</u></p> <p><u>2. The cumulative effect of the development on:</u></p> <p><u>a. The ongoing viability and vibrancy of the Zone;</u></p> <p><u>b. The safety and efficiency of the transport network, including providing for a range of transport modes;</u></p> <p><u>c. The hierarchy of roads, travel demand or vehicle use; and</u></p> <p><u>3. The compatibility with other activities provided for in the zone.</u></p> <p><u>Note: Rule NCZ-R13 does not apply to new supermarkets or additions to existing supermarkets.</u></p>			
Woolworths New Zealand	359.55	NCZ-S2	Oppose	<p>NCZ-S2 is opposed in its entirety and should be deleted, as it seeks to impose minimum building heights in the Neighbourhood and Local Centre zones of 7m. This requirement is overly prescriptive and unnecessary and should be deleted. The standard is overly onerous, when the PDP should be promoting development in the Centres. If this is to be retained in some degree, it should be 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.</p>	Delete NCZ-S2 (Minimum building height) in its entirety.	Support	Supports FSNI submission (476.18).	Allow submission
Woolworths New Zealand	359.56	NCZ-S6	Support in part	<p>The restricted discretionary activity status to infringe the active frontage standards of MCZ-S6, NCZ-S6, and LCZ-S6 is supported. Notwithstanding, it is noted that supermarkets are unlikely to comply with these standards in any circumstance (being built up to the street edge on all street boundaries; a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; 50% visually transparent shutter doors), owing to genuine operational reasons. Whilst Woolworths acknowledges that the assessment criteria associated with the standard enable the consideration of those operational and functional needs, the standard represents another circumstance whereby consents would always be required for supermarkets, despite supposedly being encouraged with the relevant CMUZ.</p>	Retain NCZ-S6 (Active frontage and non-residential activity frontage controls) with amendment.	Support in part	Partly supports FSNI submission (476.20 and 476.21).	Allow submission in part

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
Woolworths New Zealand	359.57	NCZ-S6	Oppose in part	Opposes the application of the standard to new or extended supermarkets.	Oppose in part NCZ-S6 (Active frontage and non-residential activity frontage controls) and request amendment.	Support in part	Partly supports FSNI submission (476.20 and 476.21).	Allow submission in part
Woolworths New Zealand	359.58	NCZ-S6	Amend	<p>Considers that supermarkets are unlikely to comply with the restricted discretionary standards of NCZ-S6 in any circumstance, owing to genuine operational reasons.</p> <p>While the assessment criteria associated with the standard enable the consideration of those operational and functional needs, the standard represents another circumstance whereby consents would always be required for supermarkets, despite supposedly being encouraged with the relevant CMUZ. This standard should be amended to not apply to new or extended supermarkets. The restricted discretionary activity status to infringe this standard is supported.</p>	Amend NCZ-S6 (Active frontage and non-residential activity frontage controls) as show in the attached PDF.	Support in part	Partly supports FSNI submission (476.20 and 476.21).	Allow submission in part
Woolworths New Zealand	359.62	LCZ-R13	Amend	<p>Considers that LCZ-P10 is unclear and should be amended. The policy contains an incorrect reference to the Centres and Mixed Use Design Guide document (should be G97 as opposed to G107). A review of the guideline indicates that G97 City Outcomes Contribution is only triggered for City Centre zone developments (under or over height development comprising 50 or more units or any comprehensive development) and for over height development comprising 25 or more units or any comprehensive development in the Metropolitan Centre zone (MCZ), Neighbourhood Centre zone (NCZ), Local Centre zone (LCZ) and High Density Residential zone (HRZ). As such, the Policy as currently drafted implies that any non-residential development in the LCZ is subject to this policy which is incorrect. The above amendment seeks to align this Policy with the Guide document.</p>	Amend LCZ-P10 (City outcomes contribution) as follows: Require over height, large-scale residential, non-residential and comprehensive development that are over height in the Local Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline G107 G97, including through either:	Oppose in part	FSNI submission (476.26) seeks to delete this policy in its entirety.	Reject submission in part
	359.63	LCZ-R13	Amend	<p>Considers that LCZ-R13 should be amended so that the activity status of this standard infringement is changed 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.</p> <p>Supermarkets often require car parking to be visible, both from commercial viability perspective but also given the requirements to separate loading and servicing activities</p>	<p>Amend LCZ-R13.2 (Carparking activities) as follows:</p> <p>2. Activity status: <u>Restricted Discretionary</u></p> <p>Where:</p> <p>a. Compliance with the requirements of LCZ-R13.1.a is not achieved.</p> <p><u>Matters of discretion are:</u></p> <p>1. <u>The matters in LCZ-P2, LCZ-P3, LCZ-P4, LCZ-P7, LCZ-P9 and LCZ-P10;</u></p>	Support in part	Supports FSNI submission (476.27 and 476.28).	Allow submission in part

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
				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.	<p>2. <u>The cumulative effect of the development on:</u></p> <p>a. <u>The ongoing viability and vibrancy of the Zone;</u></p> <p>b. <u>The safety and efficiency of the transport network, including providing for a range of transport modes;</u></p> <p>c. <u>The hierarchy of roads, travel demand or vehicle use; and</u></p> <p>3. <u>The compatibility with other activities provided for in the zone.</u></p> <p><u>Note: Rule LCZ-R13 does not apply to new supermarkets or additions to existing supermarkets.</u></p>			
Woolworths New Zealand	359.66	LCZ-S2	Oppose	LCZ-S2 is opposed in its entirety and should be deleted as it seeks to impose minimum building heights in the Neighbourhood and Local Centre zones of 7m. This requirement is overly prescriptive and unnecessary and should be deleted. The standard is overly onerous, when the PDP should be promoting development in the Centres. If this is to be retained in some degree, it should be 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.	Delete LCZ-S2 (Minimum building height) in its entirety.	Support	Supports FSNI submission (476.29).	Allow submission
Woolworths New Zealand	359.67	LCZ-S6	Support in part	The restricted discretionary activity status to infringe the active frontage standards of MCZ-S6, NCZ-S6, and LCZ-S6 is supported. Notwithstanding, it is noted that supermarkets are unlikely to comply with these standards in any circumstance (being built up to the street edge on all street boundaries; a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; 50% visually transparent shutter doors), owing to genuine operational reasons. Whilst Woolworths acknowledges that the assessment criteria associated with the standard enable the consideration of those operational and functional needs, the standard represents another circumstance whereby consents would always be required for supermarkets, despite supposedly being encouraged with the relevant CMUZ.	Retain LCZ-S6 (Active frontage and non-residential activity frontage controls) with amendment.	Support in part	Partly supports FSNI submission (476.31 and 476.32).	Allow submission in part

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
Woolworths New Zealand	359.68	LCZ-S6	Amend	Considers that supermarkets are unlikely to comply with the restricted discretionary standards of LCZ-S6 in any circumstance, owing to genuine operational reasons. While the assessment criteria associated with the standard enable the consideration of those operational and functional needs, the standard represents another circumstance whereby consents would always be required for supermarkets, despite being encouraged with the relevant CMUZ. This standard should be amended to not apply to new or extended supermarkets. The restricted discretionary activity status to infringe this standard is supported.	Amend NCZ-S6 (Active frontage and non-residential activity frontage controls) as show in the attached PDF.	Support in part	Partly supports FSNI submission (476.31 and 476.32).	Allow submission in part
Woolworths New Zealand	359.70	MUZ-P3	Support in part	Considers that supermarkets that infringe MUZ-R12 should be able to be accommodated in the zone in MUZ-P3 if there is a functional and operational need and effects on the Centre are managed and this should be reflected in the zone policies. The proposed amendment offers a more appropriate wording relative to the restricted discretionary activity status for 'large' supermarkets within the Mixed-Use zone.	Amend MUZ-P3 (Managing larger-scale retail activities) as follows: <del>Only a</del> Allow the establishment of integrated retail activities and large supermarkets in the Mixed-Use Zone if it can be demonstrated that they will: <u>4. Have an operational or functional need to locate in the zone.</u>	Support	Supports FSNI submission (476.37).	Allow submission
Woolworths New Zealand	359.70	MUZ-R12	Amend	Considers that the purpose of the Mixed-Use Zone is to accommodate a variety of activities, and this is reflected in the zone objectives and policies. The exclusion of the permitted baseline is unnecessary relative to the restricted discretionary activity status which otherwise conveys that larger supermarkets could be generally considered appropriate in the zone.	Delete the following:  The Council will not apply a permitted baseline assessment when considering the effects of supermarkets that cannot comply with MUZ-R12.1.	Support	FSNI supports this submission as the exclusion of the permitted baseline is unnecessary relative to the restricted discretionary activity status and could make it more difficult to consent supermarket activities.	Allow submission
Woolworths New Zealand	359.73	MUZ-R16	Amend	Considers that MUZ-R16.2 should be amended to establish matters of discretion specific to supermarket buildings that infringe MUZ-R16.1 standards. There are also concerns around the inclusion of the Centres and Mixed Use Design Guide within these matters of discretion on account of the unnecessary scope this introduces in a restricted discretionary consenting framework. As such, it is specifically sought that that this is excluded from the matters of discretion for new supermarket buildings. The proposed amendment directly correlates to the amendments proposed under standard MUZ-S6.	Amend MUZ-R16.2 (Construction of, or additions and alterations to, buildings and structures) as follows:  Matters of discretion are:  1. The matters in MUZ-P2, MUZ-P5, MUZ-P6 and MUZ-P7 <u>excluding for supermarkets</u> exceeding MUZ-S6;  2. For supermarkets exceeding MUZ-S6 the matters in <u>MUZ-PU2, MUZ-P3, MUZ-P6, and MUZ-P7;</u>  <del>5-6.</del> <u>The Centres and Mixed-Use Design Guide (excluding supermarkets); and</u>	Support in part	. FSNI submission seeks similar outcome (476.1 and 476.102).	Allow submission in part if referenced to Design Guides not deleted

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
Woolworths New Zealand	359.74	MUZ-S6	Amend	Considers that MUZ-S6 should be amended 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 typical scale of supermarket buildings in this zone.	Amend MUZ-S6 (Maximum gross floor area of buildings) as follows: 1. Any building ( <u>except for supermarkets</u> ) must not exceed a maximum gross floor area of 500m <sup>2</sup> . 2. <u>Any supermarket building must not exceed a maximum gross floor area of 1500m<sup>2</sup></u>	Support	FSNI agree with Woolworths.	Allow submission
	359.76	MCZ-P10	Amend	Considers that MCZ-P10 is unclear and should be amended. The policy contains an incorrect reference to the Centres and Mixed-Use Design Guide document (should be G97 as opposed to G107). A review of the guideline indicates that G97 City Outcomes Contribution is only triggered for City Centre zone developments (under or over height development comprising 50 or more units or any comprehensive development) and for over height development comprising 25 or more units or any comprehensive development in the Metropolitan Centre zone (MCZ), Neighbourhood Centre zone (NCZ), Local Centre zone (LCZ) and High Density Residential zone (HRZ). As such, the Policy as currently drafted implies that any non-residential development in the LCZ is subject to this policy which is incorrect. The above amendment seeks to align this Policy with the Guide document.	Amend MCZ-P10 (City outcomes contribution) as follows: Require <del>over height</del> , large-scale residential, non-residential and comprehensive development <u>that are over height</u> in the Metropolitan Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline <del>G97G107</del> , including through either:	Oppose in part	FSNI submission (476.43) seeks to delete this policy in its entirety.	Reject submission in part
Woolworths New Zealand	359.77	MCZ-R15	Amend	Considers that MCZ-R15.2 should be amended so that the activity status of this standard infringement is changed 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 MCZ-R15.2 (Carparking activities) as follows: 2. Activity status: <u>Restricted</u> Discretionary Where: a. Compliance with the requirements of MCZ-R15.1.a is not achieved. <u>Matters of discretion are:</u> 1. <u>The matters in MCZ-P2, MCZ-P3, MCZ-P4, MCZ-P7, MCZ-P9 and MCZ-P10;</u> 2. <u>The cumulative effect of the development on:</u> <u>a. The ongoing viability and vibrancy of the Zone;</u> <u>b. The safety and efficiency of the transport network, including providing for a range of transport modes;</u> <u>c. The hierarchy of roads, travel demand or vehicle use; and</u>	Support in part	Partly supports FSNI submission (476.44 and 476.45).	Allow submission in part

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
					<p>3. <u>The compatibility with other activities provided for in the zone.</u></p> <p><u>Note: Rule MCZ-R15 does not apply to new supermarkets or additions to existing supermarkets.</u></p>			
Woolworths New Zealand	359.80	MCZ-S2	Oppose	MCZ-S2 is opposed in its entirety and should be deleted. The standard is overly onerous, when the PDP should be promoting development in the Centres. If this is to be retained in some degree, it should be 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.	Delete MCZ-S2 (Minimum building height) in its entirety.	Support	Supports FSNI submission (476.46).	Allow submission
Woolworths New Zealand	359.82	MCZ-S6	Amend	Considers that supermarkets are unlikely to comply with the restricted discretionary standards of MCZ-S6 in any circumstance, owing to genuine operational reasons. While the assessment criteria associated with the standard enable the consideration of those operational and functional needs, the standard represents another circumstance whereby consents would always be required for supermarkets, despite supposedly being encouraged with the relevant CMUZ. This standard should be amended to not apply to new or extended supermarkets. The restricted discretionary activity status to infringe this standard is supported.	Amend MCZ-S6 (Active frontage and non-residential activity frontage controls) as show in the attached PDF.	Support in part	Partly supports FSNI (476.48).	Allow submission in part
Woolworths New Zealand	359.85	CCZ-P11	Amend	Considers that CCZ-P11 is unclear and should be amended. The provision contains an incorrect reference to the Centres and Mixed Use Design Guide document (should be G97 as opposed to G107). A review of the guideline indicates that G97 City Outcomes Contribution is only triggered for City Centre zone developments where they are under or over height development comprising 50 or more units or any comprehensive development). As such, the Policy as currently drafted implies that any non-residential development in the CCZ is subject to this policy which is incorrect. The above amendment seeks to align this Policy with the Guide document.	<p>Amend CCZ-P11 (City outcomes contribution) as follows:</p> <p>Require <del>over and under height, large scale residential, non residential and comprehensive development</del> <u>under or over height development comprising 50 or more units or any under or over height comprehensive development</u> in the City Centre Zone to deliver City Outcomes</p> <p>Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline <del>G97-G107</del>, including through either:</p>	Oppose in part	FSNI submission (476.52) seeks to delete this policy in its entirety.	Reject submission in part
Woolworths New Zealand	359.86	CCZ-R14	Amend	Considers that CCZ-R14.2 should be amended so that the activity status of this standard infringement is changed 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	<p>Amend CCZ-R14.2 (Carparking activities) as follows:</p> <p>2. Activity status: <u>Restricted</u> Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of MCZ-R14.1.a is not achieved.</p>	Support in part	Supports FSNI submission (476.53 and 476.54).	Allow submission in part

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
				and streamlined. The mandatory public notification status for infringing is proposed to be deleted as this is unnecessarily onerous in the context of the infringement.	<p><u>Matters of discretion are:</u></p> <p>4. <u>The matters in CCZ-P2, CCZ-P3, CCZ-P4, CCZ-P7, CCZ-P9 and CCZ-P10;</u></p> <p>5. <u>The cumulative effect of the development on:</u></p> <p><u>a. The ongoing viability and vibrancy of the Zone;</u></p> <p><u>b. The safety and efficiency of the transport network, including providing for a range of transport modes;</u></p> <p><u>c. The hierarchy of roads, travel demand or vehicle use; and</u></p> <p>6. <u>The compatibility with other activities provided for in the zone.</u></p> <p><del>Notification status: An application for resource consent made in respect of rule CCZ-R14.2.a must be publicly notified.</del></p>			
	359.89	CCZ-R20	Amend	Considers that CCZ-R20.2 should be amended to reflect changes to standard CCZ-S4 which would exclude supermarkets from compliance with the minimum building height standard. There are also concerns around the inclusion of the Centres and Mixed Use Design Guide within these matters of discretion on account of the unnecessary scope this introduces in a restricted discretionary consenting framework. As such, it is specifically sought that that this is excluded from the matters of discretion for new supermarket buildings.	Amend CCZ-R20.3 (Construction of buildings and structures) as follows:  3. a Compliance with the requirements of CCZ-S4 cannot be achieved, <u>unless the development is a supermarket.</u>	Support	Similar outcome to FSNI submission (476.57).	Allow submission if FSNI submission (476.57) not implemented
Woolworths New Zealand	359.90	CCZ-S4	Amend	CCZ-S4 should be amended to exclude supermarkets, as this is an overly onerous standard when the PDP should be promoting development in the Centres. The standard could also be 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.	Amend CCZ-S4 (Minimum building height) as follows:  This standard does not apply to: <u>3. Any new supermarket building</u>	Support in part	Similar outcome to FSNI submission (476.57).	Allow submission if FSNI submission (476.57) not implemented
Woolworths New Zealand	359.91	GIZ-O3	Amend	GIZ-O3 should be amended to accommodate supermarkets within the zone and reflect the proposed discretionary activity status under Rule GIZ-R4. The proposed amendments enable consideration of reverse sensitivity and operational and functional needs while also retaining recognition of the centre's hierarchy.	Amend GIZ-O3 (Commercial activities) as follows:  <u>3. Demonstrate an operational or functional need to locate in the zone; or 4. Demonstrate that no adverse reverse sensitivity effects on permitted industrial activities in the surrounding zone arise.</u>	Support	Similar outcome to FSNI submission (476.60).	Allow submission

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
Woolworths New Zealand	359.92	GIZ-P4	Amend	Considers that GIZ-P4 should be amended to accommodate supermarkets within the zone and reflect the proposed discretionary activity status under Rule GIZ-R4. The proposed amendments enable consideration of operational and functional needs while also retain recognition of the centre's hierarchy.	Amend GIZ-P4 (Commercial activities) as follows: Avoid commercial activities in the General Industrial Zone <u>that do not demonstrate an operational or functional need to locate within the zone and that 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:</u>  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.	Support in part	Similar outcome to FSNI submission (476.60).	Allow submission in part
Woolworths New Zealand	359.95	Design Guides General	Not specified	Considers that urban design aspirations in Design Guides should not be used as a veto for the operational and functional requirements of commercial activities in commercial zones, specifically supermarkets.  The submitter considers that the inclusion of reference to Design Guides as matters of discretion in the PDP with respect to development in Centres and Mixed-Use zones and in terms of Signs elevates their statutory relevance whilst introducing a subjective yet prescriptive assessment framework that gives rise to uncertainty and unnecessary complexity in consenting, even with generally anticipated restricted discretionary activities. Specific to supermarkets, which are typically larger in scale than regular high street or boutique retail, building bulk and scale is a function of supermarkets' unique operational and functional requirements, which themselves can still be managed through consideration of design, bulk and location, however to a different standard than currently outlined in the Centres and Mixed-Use Design Guide.	Seeks that Design Guides are not used as a veto for the operational and functional requirements of commercial activities in commercial zones, specifically supermarkets.	Support	Similar outcome to FSNI submission (476.1 and 476.102).	Allow submission
Argosy Property	383.1	General / Whole PDP / Whole PDP / Whole PDP	Oppose	Opposes this policy which requires some developments to deliver City Outcomes Contributions in accordance with the Centres and Mixed Use Design Guide. This is because:  - This provision elevates what is normally a design guide into a rule. A design guide should be separate to a plan. The Design Guide should be an external document to the District Plan and be referenced as a guide only.	Delete all references to City Outcomes Contributions in the Proposed Plan.	Support	Supports FSNI submission (476.1).	Allow submission

Submitter	Their Submission					FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
				- Further, this provision, provides a mechanism for the Council to require these aspects as part of a development. This is inappropriate. A development should be assessed on its merits.				
Restaurant Brands Limited	349.1	General / Whole PDP / Whole PDP / Whole PDP	Oppose	<p>The Signs Design Guide does not appropriately recognise or provide for the functional or operational requirements of activities.</p> <p>The Design Guide reads as a set of rules to be complied with, rather than guidelines to inform the assessment of applications for resource consent and will result in an unnecessarily onerous and unreasonable resource consent process.</p> <p>The Design Guide imposes certain outcomes that are required to be achieved in every circumstances and results in a “pass/fail” assessment being applied, resulting in an unnecessarily onerous and unreasonable resource consent process.</p>	Delete Te Aratohu Hoahoa o Ngā Pokapū Whakamahinga Rau - Centres and Mixed Use Design Guide in its entirety.	Support	Supports FSNI submission (476.1 and 476.102).	Allow submission
Restaurant Brands Ltd	349.4	Part 1 / Interpretation Subpart / Definitions / Definitions - General	Support	Support	Retain Ngā Tautuhinga – Definitions as notified.	Support in part	Supports FSNI submission (476.3 - 476.6) however FSNI submission also seeks inclusion of a nesting table (476.2)	Allow submission in part
Oyster Management Ltd	404.5	Part 1 / Interpretation Subpart / Definitions / COMMERCIAL ACTIVITY	Support	Supports definition of "commercial activity".	Retain definition of "commercial activity" as notified.	Support	Supports FSNI submission (476.3).	Allow submission
Restaurant Brands Ltd	349.9	Part 2 / Energy Infrastructure and Transport / Transport / New TR	Support	Support	<p>Retain Table 7 (Minimum number of on-site cycling and micromobility device parking spaces) as notified.</p> <p>Retain Table 8 (Classification of driveways) as notified.</p> <p>Retain Table 9 (Design of driveways) as notified.</p>	Support in part	Partly supports FSNI submission (476.7) however FSNI seeks an amendment.	Allow submission in part
Restaurant Brands Ltd	349.21	Part 2 / Energy Infrastructure and Transport / Transport / TR-R5	Support	Support	Retain TR-R5 (On-site vehicle parking and manoeuvring) as notified.	Support in part	Partly supports FSNI submission however FSNI seeks some amendments (476.8 - (476.10).	Allow submission in part

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
Restaurant Brands Ltd	349.61	Part 3 / Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-O1	Support	Support	Retain NCZ-P1 (Accommodating growth) as notified.	Oppose in part	FSNI submission seeks an amendment (476.12).	Reject submission in part
Restaurant Brands Ltd	349.67	Part 3 / Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P7	Support	Support	Retain NCZ-P7 (Quality Design) as notified.	Oppose in part	FSNI submission seeks an amendment (476.14)	Reject submission in part
Restaurant Brands Ltd	349.70	Part 3 / Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P10	Oppose	<p>Oppose</p> <p>The Centres and Mixed-Use Design Guide (and the associated policy and matters of discretion linkages), do not recognise or provide for the functional or operational requirements of activities.</p> <p>The Design Guide reads as a set of rules to be complied with, rather than guidelines to inform the assessment of applications for resource consent and will result in an unnecessarily onerous and unreasonable resource consent process. The Design Guide places unreasonable requirements on applicants on matters that are more appropriately dealt with at a national level (for example, reducing travel/shipping costs of materials to reduce carbon emissions, and installing insulation above minimum requirements). The imposition of “thresholds” for certain types of development result in a “pass/fail” assessment being applied and will result in an unnecessarily onerous and unreasonable resource consent process.</p>	<p>Amend NCZ-P10 (City outcomes contribution) as follows:</p> <p>...</p> <p>Require over height, large-scale residential, non-residential and comprehensive development in the Neighbourhood Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline G107, including through either:</p> <p>...</p> <p>2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or</p> <p>3.2. Incorporating ...</p> <p>4.3. Incorporating ...</p> <p>5.4. Enabling ...</p>	Oppose in part	FSNI submission seeks to delete this policy in its entirety (476.15) however FSNI submission seeks that functional or operational requirements of activities and development are recognised in NCZ-P7 (476.16).	Reject submission in part
Restaurant Brands Ltd	349.76	Part 3 / Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-S2	Oppose	Oppose	Delete NCZ-S2 (Minimum building height) in its entirety.	Support	Supports FSNI submission (476.18).	Allow submission
Restaurant Brands Ltd	349.77	Part 3 / Commercial and mixed use Zones	Oppose	Oppose	Delete NCZ-S3 (Minimum ground floor height) in its entirety.	Support	Supports FSNI submission (476.19).	Allow submission

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
		/ Neighbourhood Centre Zone / NCZ-S3		does not provide for the specific requirements of drive through facilities, and is unworkable from an operational perspective, and will only serve to increase the cost and/or regulatory processes of the development.				
Restaurant Brands Ltd	349.80	Part 3 / Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-S6	Support	Support	Retain NCZ-S6 (Active frontage and non-residential activity frontage controls) as notified	Oppose in part	FSNI submission seeks this standard is amended (476.20 and 476.21)	Reject submission in part
Restaurant Brands Ltd	349.86	Part 3 / Commercial and mixed use Zones / Local Centre Zone / LCZ-P1	Support	Support	Retain LCZ-P1 (Accommodating growth) as notified.	Oppose in part	FSNI submission seeks this policy is amended (476.23).	Reject submission in part
Restaurant Brands Ltd	349.92	Part 3 / Commercial and mixed use Zones / Local Centre Zone / LCZ-P7	Support	Support	Retain LCZ-P7 (Quality design) as notified.	Oppose in part	FSNI submission seeks this policy is amended (476.24 and 476.25).	Reject submission in part
Restaurant Brands Ltd	349.95	Part 3 / Commercial and mixed use Zones / Local Centre Zone / LCZ-P10	Oppose	<p>Oppose</p> <p>The Centres and Mixed-Use Design Guide (and the associated policy and matters of discretion linkages), do not recognise or provide for the functional or operational requirements of activities.</p> <p>The Design Guide reads as a set of rules to be complied with, rather than guidelines to inform the assessment of applications for resource consent and will result in an unnecessarily onerous and unreasonable resource consent process.</p> <p>The Design Guide places unreasonable requirements on applicants on matters that are more appropriately dealt with at a national level (for example, reducing travel/shipping costs of materials to reduce carbon emissions, and installing insulation above minimum requirements). The imposition of “thresholds” for certain types of development result in a “pass/fail” assessment being applied and will result in an unnecessarily onerous and unreasonable resource consent process.</p>	<p>Amend LCZ-P10 (City outcomes contribution) as follows:</p> <p>...</p> <p>Require over height, large-scale residential, non-residential and comprehensive development in the Local Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline G107, including through either:</p> <ol style="list-style-type: none"> <li>1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or</li> <li>2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or</li> <li>3.2. Incorporating ...</li> <li>4.3. Incorporating ...</li> <li>5.4. Enabling ...</li> </ol>	Oppose in part	FSNI submission seeks to delete this policy in its entirety (476.26) however FSNI submission seeks that functional or operational requirements of activities and development are recognised in LCZ-P7 (476.25).	Reject submission in part

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
Restaurant Brands Ltd	349.101	P Part 3 / Commercial and mixed use Zones / Local Centre Zone / LCZ-S2	Oppose	Oppose There are many buildings with a height less than the required minimum that will contribute positively to a well-functioning urban environment. The proposed standard will result in too many buildings requiring resource consent and is not an efficient or effective method to implement the policies of the Proposed District Plan.	Delete LCZ-S2 (Maximum building height) in its entirety.	Support	Supports FSNI submission (476.29).	Allow submission
Restaurant Brands Ltd	476.30	Part 3 / Commercial and mixed use Zones / Local Centre Zone / LCZ-S3	Oppose	Oppose Opposed to the minimum floor-to-floor ceiling heights for new development. The standard is overly prescriptive, does not provide for the specific requirements of drive-through facilities, and is unworkable from an operational perspective, and will only serve to increase the cost and/or regulatory processes of the development.	Delete LCZ-S3 (Minimum ground floor height) in its entirety.	Support	Supports FSNI submission (476.30).	Allow submission
Restaurant Brands Ltd	476.31	Part 3 / Commercial and mixed use Zones / Local Centre Zone / LCZ-S6	Support	Support	Retain LCZ-S6 (Active frontage and non-residential activity frontage controls) as notified.	Oppose in part	FSNI submission seeks this standard is amended (476.13 and 476.32).	Reject submission in part
Restaurant Brands Ltd	349.114	Part 3 / Commercial and mixed use Zones / Commercial Zone / COMZ-P5	Support	Support	Retain COMZ-P5 (Quality design – neighbourhood and townscape outcomes) as notified.	Oppose in part	FSNI submission seeks this policy is amended (476.33 and 476.34).	Reject submission in part
Restaurant Brands Ltd	349.123	Part 3 / Commercial and mixed use Zones / Commercial Zone / COMZ-S3	Oppose	Oppose Opposed to the minimum floor-to-floor ceiling heights for new development. The standard is overly prescriptive, does not provide for the specific requirements of drive-through facilities, and is unworkable from an operational perspective, and will only serve to increase the cost and/or regulatory processes of the development.	Delete COMZ-S3 (Minimum ground floor height) in its entirety.	Support	Supports FSNI submission (476.35).	Allow submission
Restaurant Brands Ltd	349.132	Part 3 / Commercial and mixed use Zones / Mixed Use Zone / MUZ-P3	Support	Support	Retain MUZ-P3 (Manging larger-scale retail activities) as notified.	Oppose in part.	FSNI submission seeks this policy is amended (476.37 and 476.38).	Reject submission in part
Restaurant Brands Ltd	349.144	Part 3 / Commercial and mixed use Zones	Oppose	Opposed to the minimum floor-to-floor ceiling heights for new development. The standard is overly prescriptive, does not provide for the specific requirements of drive-through facilities, and is unworkable from an operational	Delete MUZ-S4 (Minimum ground floor height) in its entirety.	Support	Supports FSNI submission (476.38).	Allow submission

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
		/ Mixed Use Zone / MUZ-S4		perspective, and will only serve to increase the cost and/or regulatory processes of the development.				
Restaurant Brands Ltd	349.152	Part 3 / Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P1	Support	Support	Retain MCZ-P1 Accommodating growth) as notified.	Oppose in part	FSNI submission seeks this policy is amended (476.40).	Reject submission in part
Restaurant Brands Ltd	349.158	Part 3 / Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P7	Support	Support	Retain MCZ-P7 (Quality design outcomes – neighbourhood and townscape outcomes) as notified.	Oppose in part	FSNI submission seeks this policy is amended (476.41 and 476.42).	Reject submission in part
Restaurant Brands Ltd	349.161	Part 3 / Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P10	Oppose	<p>Oppose</p> <p>The Centres and Mixed-Use Design Guide (and the associated policy and matters of discretion linkages), do not recognise or provide for the functional or operational requirements of activities.</p> <p>The Design Guide reads as a set of rules to be complied with, rather than guidelines to inform the assessment of applications for resource consent and will result in an unnecessarily onerous and unreasonable resource consent process.</p> <p>The Design Guide places unreasonable requirements on applicants on matters that are more appropriately dealt with at a national level (for example, reducing travel/shipping costs of materials to reduce carbon emissions, and installing insulation above minimum requirements). The imposition of “thresholds” for certain types of development result in a “pass/fail” assessment being applied and will result in an unnecessarily onerous and unreasonable resource consent process.</p>	<p>Amend MCZ-P10 (City outcomes contribution) as follows:</p> <p>Require over height, large-scale residential, non-residential and comprehensive development in the Metropolitan Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline G107, including through either:</p> <p>...</p> <p>2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or</p> <p>3.2. Incorporating</p> <p>4.3. Incorporating</p> <p>5.4. Enabling</p>	Oppose in part	FSNI submission seeks to delete this policy in its entirety (476.43) however FSNI submission seeks that functional or operational requirements of activities and development are recognised in MCZ-P7 (476.42).	Reject submission in part
Restaurant Brands Ltd	349.167	Part 3 / Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-S2	Oppose	<p>Oppose</p> <p>There are many buildings with a height less than the required minimum that will contribute positively to a well-functioning urban environment. The proposed standard will result in too many buildings requiring resource consent and is not an efficient or effective method to implement the policies of the Proposed District Plan.</p>	Delete MCZ-S2 (Minimum building height) in its entirety.	Support	Supports FSNI submission (476.46).	Allow submission

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
Restaurant Brands Ltd	349.168	Part 3 / Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-S3	Oppose	Opposed to the minimum floor-to-floor ceiling heights for new development. The standard is overly prescriptive, does not provide for the specific requirements of drive-through facilities, and is unworkable from an operational perspective, and will only serve to increase the cost and/or regulatory processes of the development.	Delete MCZ-S3 (Minimum ground floor height) in its entirety.	Support	Supports FSNI submission (476.47).	Allow submission
Restaurant Brands Ltd	349.171	Part 3 / Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-S6	Support	Support	Retain MCZ-S6 (Active frontage and non-residential activity frontage controls) as notified.	Oppose in part	FSNI submission seeks this standard is amended (476.48).	Reject submission in part
Restaurant Brands Ltd	349.181	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-P2	Support	Support	Retain CCZ-P2 (Potentially incompatible activities) as notified.	Oppose in part	TFSNI submission seeks this policy is amended (476.49).	Reject submission in part
Oyster Management Ltd	404.54	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-P2	Support	Supports the City Centre Zone policies.	Retain CCZ-P2 (Potentially incompatible activities) as notified.	Oppose in part	FSNI submission seeks this policy is amended (476.49).	Reject submission in part
Argosy Property	383.100	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-P2	Support	Generally supports the policies of the CCZ.	Retain CCZ-P2 (Potentially incompatible activities) as notified.	Oppose in part	FSNI submission seeks this policy is amended (476.49).	Reject submission in part
Restaurant Brand Ltd	349.188	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-P9	Support	Support	Retain CCZ-P9 (Quality design outcomes) as notified.	Oppose in part	FSNI submission seeks this policy is amended (476.50 and 476.51).	Reject submission in part
Oyster Management Ltd	404.61	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-P9	Support	Supports the City Centre Zone policies.	Retain CCZ-P9 (Quality design outcomes) as notified.	Oppose in part	FSNI submission seeks this policy is amended (476.50 and 476.51).	Reject submission in part
Argosy Property	383.107	Part 3 / Commercial and mixed use Zones	Support	Generally supports the policies of the CCZ.	Retain CCZ-P9 (Quality design outcomes) as notified.	Oppose in part	FSNI submission seeks this policy is amended (476.50 and 476.51).	Reject submission in part

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
		/ City Centre Zone / CCZ-P9						
Restaurant Brands Ltd	349.190	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-P11	Oppose	<p>Oppose</p> <p>The Centres and Mixed-Use Design Guide (and the associated policy and matters of discretion linkages), do not recognise or provide for the functional or operational requirements of activities.</p> <p>The Design Guide reads as a set of rules to be complied with, rather than guidelines to inform the assessment of applications for resource consent and will result in an unnecessarily onerous and unreasonable resource consent process.</p> <p>The Design Guide places unreasonable requirements on applicants on matters that are more appropriately dealt with at a national level (for example, reducing travel/shipping costs of materials to reduce carbon emissions, and installing insulation above minimum requirements). The imposition of “thresholds” for certain types of development result in a “pass/fail” assessment being applied and will result in an unnecessarily onerous and unreasonable resource consent process.</p>	<p>Amend CCZ-P11 (City outcomes contribution) as follows:</p> <p>Require over height, large-scale residential, non-residential and comprehensive development in the City Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline G107, including through either:</p> <ol style="list-style-type: none"> <li>1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or</li> <li>2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or</li> <li>3.2. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or</li> <li>4.3. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or</li> <li>5.4. Enabling ease of access for people of all ages and mobility.</li> </ol>	Oppose in part	FSNI submission seeks to delete this policy in its entirety (476.52).	Reject submission in part
Oyster Management Ltd	404.63	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-P11	Support	Supports the City Centre Zone policies.	Retain CCZ-P11 (City outcomes contribution) as notified.	Oppose	FSNI submission seeks to delete this policy in its entirety (476.52).	Reject submission
Argosy Property	383.109	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-P11	Oppose	<p>Opposes this policy which requires some developments to deliver City Outcomes Contributions in accordance with the Centres and Mixed Use Design Guide. This is because:</p> <ul style="list-style-type: none"> <li>- This provision elevates what is normally a design guide into a rule. A design guide should be separate to a plan. The Design Guide should be an external document to the District Plan and be referenced as a guide only.</li> <li>- Further, this provision, provides a mechanism for the Council to require these aspects as part of a development. This is inappropriate. A development should be assessed on its merits.</li> </ul>	Delete Policy CCZ-P11 (City outcomes contribution).	Support	Supports FSNI submission (476.52).	Allow submission

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
Restaurant Brands Ltd	349.198	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-S4	Oppose	Oppose  There are many buildings with a height less than the required minimum that will contribute positively to a well-functioning urban environment. The proposed standard will result in too many buildings requiring resource consent and is not an efficient or effective method to implement the policies of the Proposed District Plan.	Delete CCZ-S4 (Minimum building height) in its entirety.	Support	Supports FSNI submission (476.57).	Allow submission
Argyle Property Ltd	383.120	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-S4	Amend	Opposes the proposed minimum building height of 22m. Appreciates that the intention of this standard is to ensure new development in the CBD realises as much development capacity as possible, in accordance with NPS-UD. However, it may not possible or practical for temporary buildings on sites (such as containers or temporary offices) to reach the minimum building height of 22m. However, there is still a functional need for such buildings to be located in the City Centre on a temporary basis, and it would be inappropriate and potentially onerous to obtain a discretionary resource consent in every situation where a temporary building or structure below 22m is to be erected in the City Centre zone. Therefore, Argosy seeks an exception to Standard CCZ-S4 in relation to temporary buildings. Argosy supports the assessment criteria where the standard is infringed to include recognising that a reduced height may be necessary to provide for the functional or operational needs of a proposed activity, or due to topographical or other site constraints	Amend CCZ-S4 (Minimum building height):  This standard does not apply to temporary buildings and structures.	Support in part	Partly supports FSNI submission (476.57).	Allow submission in part
Restaurant Brands Ltd	349.199	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-S5	Oppose	Opposed to the minimum floor-to-floor ceiling heights for new development. The standard is overly prescriptive, does not provide for the specific requirements of drive-through facilities, and is unworkable from an operational perspective, and will only serve to increase the cost and/or regulatory processes of the development.	Delete CCZ-S5 (Minimum ground floor height) in its entirety.	Support	Supports FSNI submission (476.58)	Allow submission
Restaurant Brands Ltd	349.225	Part 4 / Design Guides Subpart / Design Guides / Centres and Mixed Use Design Guide	Oppose	Oppose  The Centres and Mixed-Use Design Guide (and the associated policy and matters of discretion linkages), do not recognise or provide for the functional or operational requirements of activities.  The Design Guide reads as a set of rules to be complied with, rather than guidelines to inform the assessment of applications for resource consent and will result in an	Delete Te Aratohu Hoahoa o Ngā Pokapū Whakamahinga Rau – Centres and Mixed Use Design Guide in its entirety.	Support	Similar outcome to FSNI submission (476.102).	Allow submission

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
				unnecessarily onerous and unreasonable resource consent process.  The Design Guide places unreasonable requirements on applicants on matters that are more appropriately dealt with at a national level (for example, reducing travel/shipping costs of materials to reduce carbon emissions, and installing insulation above minimum requirements). The imposition of “thresholds” for certain types of development result in a “pass/fail” assessment being applied, resulting in an unnecessarily onerous and unreasonable resource consent process.				
Restaurant Brands Ltd	349.202	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-S8	Support	Support	Retain CCZ-S8 (Active frontage control) as notified.	Oppose in part	FSNI submission seeks this standard is amended (476.64 and 476.65).	Reject submission in part
Oyster Management Ltd	404.81	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-S8	Oppose in part/amend	Considers CCZ-S8 to be overly restrictive and fails to recognise there are reasons that a frontage may not be built to the street edge along the full width of the site, e.g. to provide for vehicle or pedestrian entrance, or public space.	Amend CCZ-S8 (Active frontage control) as follows:  Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary, excluding vehicle and pedestrian access and public open spaces;	Oppose	FSNI submission seeks this standard is amended (476.64 and 476.65).	Reject submission
Restaurant Brands Ltd	349.81	Part 3 / Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-S11	Support	Support	Retain NCZ-S11 (Maximum building depth) as notified.	Oppose	FSNI submission (476.83) seeks to delete this standard in its entirety.	Reject submission
Restaurant Brands Ltd	349.96	Part 3 / Commercial and mixed use Zones / Local Centre Zone / LCZ-R1	Support	Support	Retain LCZ-R1 Commercial activities) as notified.	Support	Supports FSNI submission (476.92)	Allow submission
Restaurant Brands Ltd	349.106	Part 3 / Commercial and mixed use Zones / Local Centre Zone / LCZ-S11	Support	Support	Retain LCZ-S11 (Maximum building depth) as notified.	Oppose	FSNI submission (476.93) seeks to delete this standard in its entirety.	Reject submission
Restaurant Brands Ltd	349.162	Part 3 / Commercial and mixed use Zones	Support	Support	Retain MCZ-R1 (Commercial activities) as notified.	Support	Supports FSNI submission (476.94).	Allow submission

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
		/ Metropolitan Centre Zone / MCZ-R1						
Restaurant Brands Ltd	349.172	Part 3 / Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-S11	Support	Support	Retain MCZ-S11 (Minimum building separation distance) as notified.	Oppose	FSNI submission (476.95) seeks to delete this standard in its entirety.	Reject submission
Oyster Management Ltd	404.44	Part 3 / Commercial and mixed use Zones / City Centre Zone / General CCZ	Support	Supports the recognition of the City Centre as the primary centre serving the wider Wellington region. Supports the creation of well-functioning urban environments, which is consistent with the NPS-UD.	Retain CCZ (City Centre Zone) - Introduction as notified.	Support	Supports FSNI submission (476.96 - 476.99).	Allow submission
Restaurant Brands Ltd	349.192	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-R1	Support	Support	Retain CCZ-R1 (Commercial activities) as notified.	Support	Supports FSNI submission (476.100).	Allow submission
Oyster Management Ltd	404.65	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-R1	Support	Supports commercial activities being Permitted in the City Centre Zone to ensure continued vibrancy of the city.	Retain CCZ-R1 (Commercial activities) as notified.	Support	Supports FSNI submission (476.100).	Allow submission
Argosy Property	383.111	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-R1	Support	Supports commercial activities, including offices and retail activities, being permitted in the City Centre zone. This is appropriate to enable the continued vibrancy of the city centre.	Retain CCZ-R1 (Commercial activities) as notified.	Support	Supports FSNI submission (476.100).	Allow submission
Restaurant Brands Ltd	349.203	Part 3 / Commercial and mixed use Zones / City Centre Zone / CCZ-S12	Support	Support	Retain CCZ-S12 (Maximum building depth) as notified.	Oppose	FSNI submission (476.101) seeks to delete this standard in its entirety.	Reject submission
Argosy Property	383.123 and 383.124	Part 4 / Design Guides Subpart / Design Guides / Centres and	Oppose	Opposes this policy which requires some developments to deliver City Outcomes Contributions in accordance with the Centres and Mixed Use Design Guide. This is because:  - This provision elevates what is normally a design guide into a rule. A design guide should be separate	Includes reference to the Centres and Mixed-Use Design Guide in the Introduction as follows: "For guidance, refer to the Centres and Mixed-Use Design Guide".	Support.	Supports FSNI submission (476.1, 476.61 and 476.102).	Allow submission

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
		Mixed Use Design Guide		<p>to a plan. The Design Guide should be an external document to the District Plan and be referenced as a guide only.</p> <ul style="list-style-type: none"> <li>- Further, this provision, provides a mechanism for the Council to require these aspects as part of a development. This is inappropriate. A development should be assessed on its merits.</li> </ul>	Delete G97 and all references to City Outcomes Contributions.			
WCC	266.1, 266.2, 266.3, 266.4, 266.5, 266.5	General / Whole PDP / Whole PDP / Whole PDP	Amend	Considers there are numbering errors and minor spelling errors/formatting issues that need to be resolved.	Seeks that consequential amendments are made to resolve numbering and minor spelling errors.	Support	WCC seek to make only minor spelling amendments however FSNI submission (476.9 and 476.10)t seeks more consequential amendments.	Allow submission
Willis Bond	416.118	MCZ-P1	Support	Supports the need to provide for a variety of building types, sizes, tenures, affordability, etc.	Retain MCZ-P1 (Accommodating growth) as notified.	Oppose in part	FSNI submission seeks this policy is amended (476.40).	Reject submission in part
Willis Bond	416.121	MCZ-P7	Amend	<p>Considers that this is a long (and confusing) provision and should be reviewed against the earlier policies to ensure it is succinct, focused and does not cover the same ground as other policies.</p> <p>If the Design Guides are retained (which the submitter opposes), the submitter considers that this policy should be reviewed for overlap with the Design Guides.</p>	Seeks that MCZ-P7 (Quality design outcomes – neighbourhood and townscape outcomes) be amended to ensure it is succinct, focused and does not cover the same ground as other policies.	Support in part	Partly supports FSNI submission (476.41).	Allow submission in part
Willis Bond	416.125	MCZ-P10	Amend	The submitter has requested removing the height limit in the CCZ, in which case the City Outcomes Contribution would not be relevant. The submitter considers that if that occurs, Council should consider whether it is still worth retaining the City Outcomes Contribution in other zones – it may be preferable removing the concept altogether.	Seeks that MCZ-P10 (City outcomes contribution) be amended in accordance with any changes to CCZ-P11 (City outcomes contribution). Should height limits in the CCZ (City Centre Zone) be removed seeks that Council considers whether it is still worth retaining the City Outcomes Contribution in other zones (including MCZ (Metropolitan Centre Zone)).	Support in part	FSNI submission (476.43) seeks a similar outcome however FSNI seeks to delete this policy in its entirety	Allow submission in part
Willis Bond	416.131	MCZ-S2	Support in part	Submitter considers that the minimum building height (7m) is generally appropriate in the Metropolitan Centre Zones, however, the submitter suggests more flexibility to breach the standards where the new building will result in a quality urban design outcome.	Seeks that MCZ-S2 (Minimum building height) be amended, with the assessment criteria where the standard is infringed to include urban design outcomes.	Oppose	FSNI submission (476.46) seeks to delete this standard in its entirety.	Reject submission
Willis Bond	416.133	MCZ-S6	Amend	Submitter considers that there should be more flexibility to breach the standard where the overall design has a positive effect on the streetscape.	<p>Amend MCZ-S6 (Active frontage and non-residential activity frontage controls) as follows:</p> <p>b. The building frontage is designed and located to create a strong visual alignment with adjoining buildings <u>or otherwise enhances the streetscape</u>; and</p>	Support in part	FSNI submission seeks this standard is amended (476.48).	Allow submission in part

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
Willis Bond	416.150	CCZ-P2	Amend	Submitter considers that carparking at ground level should only be a “potentially incompatible activity” where it occurs along building frontages.	Amend CCZ-P2 (Potentially incompatible activities) as follows:  3. Carparking at ground level <u>where it occurs along building frontages</u> ;	Support in part	FSNI submission (476.49) seeks a similar outcome.	Allow submission in part
Willis Bond	416.156 416.157	CCZ-P9	Amend	The submitter considers that this is a long (and confusing) provision and should be reviewed against the earlier policies to ensure it is succinct, focused and does not cover the same ground as other policies. If the Design Guides are retained (which the submitter opposes), the submitter considers that this policy should be reviewed for overlap with the Design Guides.	Seeks that CCZ-P9 (Quality design outcomes) be amended to ensure it is succinct, focused and does not cover the same ground as other policies.	Support in part	FSNI submission (476.50 and 476.51) seeks similar outcome.	Allow submission in part
Willis Bond	416.159 416.160 416.161 416.162	CCZ-P11	Support in part	Supports CCZ-P11 in part. While generally supportive of the City Outcomes Contribution, the submitter considers there needs to be a level of certainty that the significant investment required to deliver these outcomes will result in material and reliable intensifications (be it height, floor area ratio, etc). Submitter considers that as currently drafted, the initiative remains “subject to” numerous other mechanisms in the plan, potentially rendering it ineffective, despite its good intentions.  Submitter considers that CCZ-P11 is also phrased to “require” City Outcomes Contributions, rather than to provide a clear incentive for meeting the requested outcomes.	Retain CCZ-P11 (City outcomes contribution), with amendments.	Oppose	TFSNI submission (476.52) seeks to delete this policy.	Reject submission
Willis Bond	416.168	CCZ-R19	Amend	Submitter generally supports the intent of the Design Guides, but opposes their inclusion in the District Plan for the following reasons:  In many areas, the Design Guides overlap with the objectives and policies in Part 3. This will cause confusion for both planners and developers in attempting to interpret the Design Guides alongside Part 3. In particular, the submitter queries how the ‘Outcomes’ in the Design Guides are to be read alongside other provisions in the plan.  It will be simpler to update the Design Guides to reflect best practice if they remain non-statutory.  The way the Design Guides are included as relevant criteria for restricted discretionary activities significantly expand the Council’s discretion beyond what could normally be expected, for example, the Residential Design Guide contains various provisions dealing with internal areas	Amend CCZ-R19.2 (Alterations and additions to buildings and structures) as follows:  Matters of discretion are:  <del>4. The Centres and Mixed Use Design Guide, including guideline G107 – City Outcomes</del>  <del>Contribution for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building; and</del>	Support	Supports FSNI submission (476.1 and 476.102).	Allow submission

Submitter		Their Submission				FSNI Further Submission		
Submitter	Sub No	Plan Part	Position	Summary of Submission	Decisions Requested	Position	Reason	Relief
				such as G114-116 (internal living spaces) and G130-131 (internal storage).				
Willis Bond	416.187	CCZ-S4	Support	Supports CCZ-S4 in part. Submitter is generally supportive of requiring sufficiently dense development within the CCZ, it should be acknowledged that 6 storeys will not always be appropriate for every site.	Retain CCZ-S4 (Minimum building height) with amendment.	Oppose	FSNI submission (476.57) seeks to delete this standard in its entirety.	Reject submission
Willis Bond	416.201	Design Guides General	Oppose	<p>Generally, supports the intent of the Design Guides, but opposes their inclusion in the District Plan for the following reasons:</p> <p>In many areas, the Design Guides overlap with the objectives and policies in Part 3. This will cause confusion for both planners and developers in attempting to interpret the Design Guides alongside Part 3. In particular, the submitter queries how the 'Outcomes' in the Design Guides are to be read alongside other provisions in the plan.</p> <p>It will be simpler to update the Design Guides to reflect best practice if they remain non-statutory.</p> <p>The way the Design Guides are included as relevant criteria for restricted discretionary activities significantly expand the Council's discretion beyond what could normally be expected, for example, the Residential Design Guide contains various provisions dealing with internal areas such as G114-116 (internal living spaces) and G130-131 (internal storage).</p>	Seeks that references to the Design Guide in the Proposed District Plan be removed and that the Design Guides should be non-statutory in a similar way to the Auckland Design Manual. They should be used for guidance on how the objectives and policies in Part 3 may be implemented.	Support	Supports FSNI submission (476.1 and 476.102).	Allow submission