

**SUBMISSION ON A NOTIFIED PROPOSAL FOR POLICY STATEMENT OR  
PLAN, CHANGE OR VARIATION**

**CLAUSE 6 OF SCHEDULE 1, RESOURCE MANAGEMENT ACT 1991**

To: Planning Policy Team  
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**Name of submitter:** Woolworths New Zealand Limited ("**Woolworths**")

**Introduction**

1. This is a submission on the Timaru District Council's Proposed District Plan ("**PDP**").
2. Woolworths could not gain an advantage in trade competition through this submission.
3. The specific matters of the PDP that Woolworths' submission relates to are:
  - a) The PDP's "centres" approach to commercial activity (as per objective SD-O7) and its support of growing (and well-functioning) urban environments needs to be amended to be adaptive and responsive to evolving supermarket retailing, to achieve the best outcomes for the City and its communities, as outlined in this submission.
  - b) Woolworths supports a "centres plus" approach that has been considered the most appropriate planning response in many second generation plans around New Zealand, that adopts a flexible planning regime insofar as commercial activities are enabled and facilitated outside of centres where they can be appropriately accommodated.
  - c) Generally, to support the "centres plus" approach, Woolworths considers the appropriate activity status for supermarkets, as essential services and catalysts for well-functioning urban environments, is:
    - a. Permitted in all Centre zones;
    - b. Restricted Discretionary in the Mixed-Use zone for larger-scale supermarkets;
    - c. Discretionary in the General Industrial zone and General Residential zone.

- d) Woolworths notes that currently, the PDP as notified does not enable supermarkets in any zone without resource consent (be it for the activity itself or for the building which would be required to accommodate a supermarket in terms of GFA). This is accepted in the case of the Local Centre zone, Large Format Retail zone, Mixed Use zone, Town Centre zone and City Centre zone given the corresponding activity statuses – however is challenged in the Neighbourhood Centre zone given the onerous discretionary activity status currently assigned.
  - e) Where standard infringements arise in respect of built form and site layout, Woolworths agrees that either a controlled or restricted discretionary activity consent process is sufficient to undertake the assessment required to address effects of those infringements. This again supports a more efficient consenting process to focus assessment where needed without detracting from an enabling planning framework for appropriate activities in appropriate locations. The matters of control and discretion for these infringements should, however, include recognition of operational and functional requirements for supermarket activities.
  - f) Woolworths supports the PDP's approach to signage, including an appropriate activity status (restricted discretionary) where standards are infringed.
  - g) Woolworths suggests amendments to the Transport chapter, specifically the current GFA triggers for the preparation of an Integrated Transport Assessment ("ITA"). The proposed thresholds are very low, and particularly inappropriate for supermarket activities which generally cannot avoid higher traffic generation as a comparative baseline. In addition, Woolworths challenges the overly prescriptive and arduous carpark landscaping standard. However, Woolworths support the restricted discretionary activity status of infringing these standards.
4. Woolworths **supports and/or opposes** the relevant provisions in the PDP as notified and as referred to above and seeks appropriate amendments as set out in this submission (and in **Appendix 1** to this submission, being a redline text).
5. Woolworths' reasons are set out below.

### **Scope and Reasons for Submission**

6. Woolworths is one of New Zealand's leading supermarket operators. Woolworths currently operates over 190 Countdown stores nationwide, together with a portfolio

of over 70 franchised stores operating under the SuperValue and FreshChoice brands.

7. Woolworths has two existing Countdown supermarkets in Timaru and a third under construction in Timaru North. There is also a Fresh Choice in Geraldine.
8. Woolworths partially supports the “centres hierarchy” approach adopted by the higher order provisions of the PDP, insofar as it recognises that centres can and should be the primary focal point for business activity in the District, noting the importance of supermarkets in helping to achieve prosperous centres.
9. However, Woolworths considers that amendment is required to enable the “centres plus” approach to retail provision within the PDP. This is consistent with the approach Woolworths has sought in District Plans across New Zealand.
10. The “centres plus” approach recognises the primacy of centres but also that business activity ought to be enabled in other zones, where appropriate. In particular, this approach recognises that functional need and catchment drivers may dictate the location of supermarket operations, on the fringe, or in some cases, outside of identified centres.
11. Put simply, the District Plan must be adaptive and responsive to evolving supermarket retailing to achieve the best outcomes for the District and its communities.
12. Woolworths considers that this responsiveness can also be achieved through further support at the Strategic Directions level of the PDP to enable efficient consenting of new supermarkets as population grows and demands evolve.
13. Generally, Woolworths is supportive of the PDP subject to changes as outlined in this submission which will ensure that the PDP is consistent with the stated objectives at regional and national level.
14. However, Woolworths considers that parts of the PDP as notified:
  - a) Goes beyond the stated intent of the PDP in respect of its Strategic Direction and as analysed and supported in the Council’s section 32 reports, in that rather than resolving a resource management issue for the District in terms of enabling activities in the right locations, the approach taken in the PDP is a direct and control model of setting commercial land supply;

- b) Does not efficiently provide for the functional need for supermarkets to locate in the markets they serve;
- c) Does not give effect to the NPSUD, which seeks well-functioning urban environments (Objective 1) through enabling urban environments to develop and change in a responsive manner (Objective 4), and requires provisions that have particular regard to providing choice (Policy 1);
- d) Is not appropriate in terms of sections 32, 74 and 75 of the Resource Management Act 1991 ("**the Act**"); and
- e) Does not achieve Part 2 of the Act.

### **Strategic Direction and Urban Form and Development**

15. Woolworths makes the following comments with respect to objectives and rationale contained within the Part 2 Chapters, "*Strategic Direction*" and "*Urban Form and Development*".
16. Specifically, Objective SD-O6 sets out that business and economic prosperity is enabled in appropriate locations including by providing sufficient land for a range of business activities to cater for projected growth; and by providing opportunities for a range of businesses to establish and prosper, "*provided that commercial activities outside of commercial areas are limited so they do not detract from the role and function of the City Centre and Town Centre zones*".
17. Woolworths supports the inclusion of this Objective as drafted as it is reflective of the intention of a "centres plus" approach to enabling some commercial activity to establish outside of the Centre zones.
18. However, Woolworths considers that the ability for Objective SD-O6 to be achieved by the Council insofar as the Plan provides sufficient land for a range of business activities to cater for projected growth is not supported fulsomely enough in the corresponding Urban Form and Development objective.
19. Specifically, UFD-O1 is the only Urban Form and Development objective within the Plan. Woolworths considers that this provides limited support or provision within the Plan as notified to enable future re-zoning of land for commercial and mixed use purposes. Ultimately, sufficient land development capacity must be available to meet the short-, medium- and long-term business land needs of the District.

20. Failing that, Woolworths considers that the PDP should enable supermarket activities in other zones through a consenting pathway. For this to occur, the aforementioned policy framework needs to establish parameters for subsequent consenting assessment relative to what constitutes appropriate out-of-centre activity, and more specifically how supermarkets can be appropriately consented in zones other than the Centre zones Woolworths considers that the Strategic Directions of the PDP should more clearly articulate a positive framework for establishing new business zoned land or, as addressed in this submission, establishing enabling and flexible planning provisions for commercial activity, specifically supermarkets, across the urban zones

### **Zoning**

21. Woolworths supports the application of the Local Centre zone at 129 Church Street, Seaview.
22. Woolworths generally supports the application of the Mixed Use zone at 9 Browne Street, Parkside. Woolworths would also support the application of the Large Format Retail zone at this site (as per the Draft District Plan maps, and noting Woolworths submission points 19 and 20 above).
23. Woolworths supports the application of the Large Format Retail zone at 233 Evans Street, Oceanview.
24. Woolworths supports the application of the Town Centre zone at 7 Peel Street, Geraldine.

### **Appropriate Activity Status for Supermarkets**

25. As currently proposed, supermarkets are 'permitted' in all Commercial and Mixed Use zones ("**CMUZ**") by virtue of being commercial activities. This is supported by Woolworths, however it is noted that supermarkets would still require consent in most CMUZ where new supermarket buildings are proposed, due to their size – as below:
  - a) A discretionary activity in the Neighbourhood Centre zone (as a commercial activity greater than 300m<sup>2</sup> and for the building proper by association).
  - b) A restricted discretionary activity in the Local Centre zone (as a new building greater than 450m<sup>2</sup>).

- c) A restricted discretionary activity in the Large Format Retail zone (as a new building associated with a permitted activity – being Large format retail under Rule LFRZ-R1).
  - d) A controlled activity in the Mixed Use zone (as a building associated with a permitted activity – being Large format retail under Rule MUZ-R2).
  - e) A controlled activity in the City Centre zone (as a building associated with a permitted activity – being Large format retail under Rule MUZ-R2).
26. For the avoidance of doubt, Woolworths supports the above activity status of supermarkets in the Local Centre zone, Large Format Retail zone, Mixed Use zone, and City Centre zone.
  27. Woolworths also supports that supermarkets and their associated buildings are permitted in the Town Centre zone under Rule TCZ-R1 and Rule TCZ-R6.1 and supports the controlled activity status of buildings in the Temuka Town Centre zone under Rule TCZ-R6.2.
  28. Woolworths challenges the discretionary activity status in the Neighbourhood Centre zone under Rule NCZ-R1. It is considered that this is at odds with the widely accepted role that supermarkets play in centres and the activity status that supermarkets have been given in the other CMUZ across the District. Supermarkets act as anchor tenants, and as catalysts for investment in centres of all scales. The importance of convenient and efficient access to supermarkets as critical infrastructure or an essential service has also been recognised in other districts, most recently highlighted by the Covid-19 pandemic. In this regard, Woolworths seek that Rule NCZ-R1 is amended to align with the other Centre zones which allow for a more efficient consenting pathway for supermarkets.
  29. The proposed non-complying activity status of supermarkets within the General Residential zone and the Medium Density Residential zone is challenged by Woolworths and it is requested that the activity status of supermarkets in both of those zones be discretionary.
  30. Within the residential zones, Policy GRZ-P4 and Policy MRZ-P6 envisage non-residential activities and buildings occurring within the zone “*where they support the wellbeing of residents in the area or have a functional need to locate in the zone*”. The current non-complying activity status and corresponding policies (GRZ-P5 and MRZ-P7) provide a directive to avoid activities that are likely to be incompatible or inconsistent with the character, qualities and purpose of the residential zones. Woolworths considers that the provision and operation of a supermarket can have

a functional need to locate within a residential zone and request amendments to the activity status, whilst also being cognisant of a need to design sensitively so as to avoid adverse effects on the character, qualities and purpose of the zone. Absent any changes to either the activity status or policies, a consenting pathway would prove near impossible under section 104D when considering the PDP as notified.

31. The location of the General Industrial zone on the northern and southern most edges of the town is such that there may be a functional need for new supermarkets in these areas to serve residential growth in the future. Woolworths is not aware of any economic evidence prepared by the Council that identifies industrial land supply as being so significantly scarce relative to demand that non-industrial activities cannot be countenanced. Supermarkets by their nature are large format. Nor are they sensitive to effects arising from industrial activities. It is accepted however that a wider discretion is appropriate given the primary thrust of the zone, and in recognition of the centres hierarchy, such that the discretionary activity status is the most appropriate in Woolworths' view.
32. In summary, Woolworths considers that the PDP needs to be more enabling of supermarket development within the District, and to take a more flexible approach to consenting of supermarket activities. A sustainable and widely accepted approach is to recognise the importance of supermarkets to assist in delivering well-functioning urban environments, where such activities are conveniently located relative to the catchments they serve.
33. The amendments proposed to activity status in the Neighbourhood Centre zone, General Industrial zone and General Residential zone are considered to better achieve that outcome as compared to the PDP as notified.

### **Standard Infringements**

34. Woolworths considers that where activities infringe identified standards, a restricted discretionary activity status remains appropriate, rather than defaulting to a more onerous discretionary activity status, where discretion is unfettered in assessment. Restricted discretionary activity status can be accompanied by suitably limited criteria that still 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.
35. It is noted that the PDP has generally taken this approach when it comes to standard infringements in the zone with the exception of infringing NCZ-R1 (and the

subsequent need also for discretionary consent under NCZ-R3 to construct the building) as outlined above.

36. Woolworths accepts the restricted discretionary or controlled activity status for new buildings in the CMUZ. However, Woolworths seeks amendments to the matters of discretion and control to enable consideration of operational and functional needs of supermarket activities in building design (noting that these introduce considerations with respect to building design and 'active engagement'). Refer **Appendix 1**.

### **Stormwater Management**

37. Woolworths is generally supportive of the PDP's approach to stormwater management and considers that the existing provisions as drafted are sufficient to manage effects of stormwater runoff generated from land use and development on property, communities and the environments. For the avoidance of doubt, Woolworths supports the restricted discretionary activity status to infringe standards in this chapter – noting in particular the inclusion of consideration of any relevant site or operational constraint within the matters of discretion.

### **Transport**

38. Woolworths generally supports the restricted discretionary activity status for activities that infringe the permitted activity standards in terms of transport, noting that the assessment criteria are well drafted and appropriately limited – unless otherwise outlined below. For the avoidance of doubt, Woolworths supports measuring trip generation by GFA threshold.
39. Woolworths considered that the current thresholds for supermarkets are too low and lack nuance such that most all supermarket development will require resource consent to establish. Additionally, the established baseline against which traffic effects will be required to be assessed against is also too low.
40. For comparison, the Auckland Unitary Plan requires a restricted discretionary activity consent for activities that exceed 100 vehicles per hour or for retail activities that exceed 1,667m<sup>2</sup> GFA including supermarkets. Woolworths suggests adopting this GFA threshold standard and propose amendments to Standard TRAN-S20 to capture this.
41. Woolworths supports the restricted discretionary activity status where this standard is infringed and acknowledges that a supermarket is undoubtedly a traffic generating activity.



42. Woolworths challenges the current landscaping requirements within car parking areas captured under TRAN-S1 given their prescriptive nature and the limitations they place on the functional and operational requirements of supermarkets. The proposed amendments seek that the matters of discretion and standards are amended accordingly. For the avoidance of doubt, Woolworths supports the restricted discretionary activity status to infringe this standard.
43. Woolworths supports TRAN-S6 noting that cycle parking for supermarkets would be required to be provided at a rate of 1 per 300m<sup>2</sup> GFA for visitors and 1 per 500m<sup>2</sup> GFA for staff.
44. Woolworths supports TRAN-S7 requiring one loading space for a supermarket over 1,000m<sup>2</sup> GFA that can accommodate an 11.5m rigid truck.

### **Definitions**

45. Woolworths supports the proposed definition of supermarket and considers that this is broadly encompassing of a variety of retailers. No changes are proposed to this definition.
46. Woolworths opposes the current definition of operational needs and proposes the following amended definition:

*“The need for a proposal or activity to traverse, locate or operate in a particular environment or be designed in a particular way because of technical, logistical or operational characteristics or constraints”.*

47. In addition, the existing definition of functional needs ought to be similarly amended, as follows:

*“The need for a proposal or activity to traverse, locate or operate in a particular environment or be designed in a particular way because the activity can only occur in that environment because of functional characteristics or constraints”.*

48. Woolworths maintains that functional and operational needs are not limited to location specific needs but rather could require a building or feature to be designed in a particular manner – for example, in order for supermarkets to ensure food goods within the store does not spoil, the extent of glazing along the exterior walls must be restricted (which presents a conflict to the aforementioned active frontage standards of MCZ-S6, NCZ-S6, and LCZ-S6 for example, and a subsequent restricted discretionary activity consent is required to infringe, which enables consideration of operational and functional needs therefore).

## Relief Sought

49. Woolworths seeks:

- a) Clarification and any necessary amendments to the PDP to address the matters outlined above; and
- b) One way to address Woolworths' relief sought is per the redline text in **Appendix 1** to this submission; and
- c) Any necessary consequential relief to give effect to its submission.

50. Woolworths wishes to be heard in support of its submission.

51. If others make a similar submission, Woolworths would consider presenting a joint case with them at the hearing.

**DATED** at Auckland this **14th** day of **December 2022**

**Signature:**



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**Appendix 1**

**Redline Text**

## **SD - Strategic Direction**

Support Objective SD-O6 as follows:

<i>SD-O6</i>	<i>Business Areas and Activities</i>
<p><i>Business and economic prosperity in the District is enabled in appropriate locations, including by:</i></p> <ul style="list-style-type: none"><li><i>i. providing sufficient land for a range of business activities to cater for projected growth;</i></li><li><i>ii. providing opportunities for a range of business activities to establish and prosper, provided that commercial activities outside of commercial areas are limited so they do not detract from the role and function of the City Centre and Town Centre zones.</i></li></ul>	

## **UFD – Urban Form and Development**

Insert a new Objective, as follows:

<i>UFD-O2</i>	<i>Business Growth</i>
<p><i>Any new areas to support commercial and mixed use, or industrial activities shall primarily occur where:</i></p> <ul style="list-style-type: none"><li><i>i. There is a demonstrated need for additional suitable development capacity;</i></li><li><i>ii. A diverse range of services and opportunities is provided for to respond to any specific social and economic needs;</i></li><li><i>iii. The type, scale and function of new commercial areas are consistent with, and complementary to, the Centre network;</i></li><li><i>iv. The location, dimensions and characteristics of the land are appropriate to support activities that are anticipated within the zone.</i></li></ul>	

### **Comment:**

Provide support for and enable future re-zoning of land for commercial and mixed use purposes. Currently there is no strong directive within the Urban Form and Development Chapter to accommodate plan changes if / when the short-, medium- and long-term business land needs of the District change over time.

Woolworths considers that the PDP should err on the side of oversupplying business land.

## SW – Stormwater Management

Support the chapter in its entirety

**Comment:**

As per plan.

## TRAN – Transport

Amend Standard TRAN-S1 as follows:

TRAN-S1	<b><u>Landscaping</u> where five or more at grade car parking spaces are provided for non-residential activities on a <u>site</u></b>	
All Zones	<ol style="list-style-type: none"> <li>1. Where more than five at grade car parking spaces are provided for non-residential activities on a <u>site</u>, <u>landscaping</u> must be provided within a <u>landscaping</u> strip/s or within a planting protection area/s with a minimum dimension or diameter of 1.5 metres within, or immediately adjacent to, the parking area on the <u>site</u>.</li> <li>2. <u>Landscaping</u> must consist of a combination of trees, shrubs and ground cover species.</li> <li>3. <del>Planting must be limited to <u>indigenous vegetation</u> sourced from within the ecological district to enhance local or regional indigenous <u>biodiversity</u>.</del></li> <li>4. <u>Landscaping</u> may be integrated with <u>stormwater</u> management for the parking area, and may include the use of raingardens for <u>stormwater</u> collection and attenuation of <u>stormwater</u> runoff.</li> <li>5. <del>Trees must:</del> <ol style="list-style-type: none"> <li>a. <del>be spaced one tree every 10 metres of <u>road frontage</u> (excluding <u>access ways</u> and any other means of access to the <u>building</u>) on the side of a <u>road boundary</u> or within a parking area;</del></li> <li>b. <del>have a minimum stem diameter of 40mm at the time of planting and be capable of reaching a <u>height</u> of at least three metres at maturity;</del></li> <li>c. <del>be planted no closer than 2m from an underground service or 1m from a footpath or kerb.</del></li> </ol> </li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the extent of reduction in anticipated on-site and adjacent <u>amenity values</u>; and</li> <li>2. the extent to which the non-compliance is required for traffic safety reasons or due to impacts on underground services; and</li> <li>3. The <u>landscaping</u> design, type of species and <u>height</u> of <u>landscaping</u>; and</li> <li>4. <u>operational and functional requirements of the activity</u></li> </ol>

6. Landscaping strips or planting protection areas adjacent to a road boundary, or within a parking area, must be protected from damage by vehicles through the use of wheel stop barriers. Such wheel stop barriers must be located at least 1m from any tree.

**Comment:**

All new supermarkets will provide five or more at grade parking spaces and as such will be required to either comply with or seek an infringement to TRAN-S1. Woolworths accepts that the submission of a landscaping plan for the carpark area is appropriate but considers that current standard is overly prescriptive and arduous. When infringements are sought, the matters of discretion should include consideration of operational and functional needs.

Support Standard TRAN-S6

**Comment:**

As per plan

Support Standard TRAN-S7

**Comment:**

As per plan

Amend Standard TRAN-S20 as follows:

TRAN-S20	<b>High Trip Generating Activities</b>				
<b>All Zones</b>	<b>Table 21 – High traffic generating activities</b>				
	<b>Activity</b>	<b>Basic ITA Required</b>		<b>Full ITA Required</b>	
	Education – <u>Pre-school</u>	40	Children	90	Children
	Education - Schools	70	Students	170	Students
	Education - Tertiary	250	FTE students	750	FTE students

**Matters of discretion restricted to: Not applicable**

<u>Industrial Activity</u> (excluding warehousing and distribution activity)	5000	<u>m<sup>2</sup> GFA</u>	12000	<u>m<sup>2</sup> GFA</u>
Warehousing and Distribution	6500	<u>m<sup>2</sup> GFA</u>	25000	<u>m<sup>2</sup> GFA</u>
<u>Health Care Facility</u>	280	<u>m<sup>2</sup> GFA</u>	1200	<u>m<sup>2</sup> GFA</u>
<u>Office</u>	2000	<u>m<sup>2</sup> GFA</u>	4800	<u>m<sup>2</sup> GFA</u>
<u>Residential Activity</u>	40	<u>Residential Unit / lot</u>	90	<u>Residential Unit / lot</u>
<u>General Retail and Supermarkets</u>	200	<u>m<sup>2</sup> GLFA</u>	800	<u>m<sup>2</sup> GLFA</u>
<u>Supermarkets</u>				<u>1500 m<sup>2</sup> GFA</u>
<u>Large Format Retail other than trade suppliers</u>	550	<u>m<sup>2</sup> GLFA</u>	2300	<u>m<sup>2</sup> GLFA</u>
<u>Service Station</u>	2	Filling points	6	Filling points
Mixed Use or other activities not listed above	50	<u>vehicle movements/ peak hour</u>	120	<u>vehicle movements/ peak hour</u>
	250	<u>vehicle movements/ day</u>	1000	<u>vehicle movements/ day</u>
	whichever is the greatest of above		whichever is the greatest of above	

Note: peak hour means any hour when the greatest number of vehicle movements occurs.

**Comment:**

The Plan's definition of supermarket includes a GFA threshold of 1500m<sup>2</sup> such that there is currently a misalignment between the Standard and the definition. The thresholds are also currently unnecessarily low such that the established baseline against which traffic effects will be required to be assessed against is also too low. The proposed amendment aligns with the expectation of traffic generation and also recognises the Plan's own definition of a supermarket.

## GRZ – General Residential Zone

Amend Policy GRZ-P4 as follows:

### GRZ-P4

### Other non-residential activities and buildings

~~Only A~~ Allow other non-residential activities and buildings where:

1. they support the wellbeing of residents in the area, or have a functional need to locate in the zone; and
2. any adverse effects on the residential amenity values are avoided or minimised; and
3. they maintain the anticipated character, qualities and purpose of the General Residential Zone.

### **Comment:**

The policy has been amended to contain more appropriate wording relative to the discretionary activity status of GRZ-R14. Otherwise, this policy is supported so long as the following amendments to Rules GRZ-R14 and GRZ-R18 are adopted as the policy appropriately recognises that in some instances non-residential activities (including supermarkets) can and should be enabled where they have a functional need to locate in the zone.

Amend Rule GRZ-R14 as follows:

GRZ-R14	Activities not otherwise listed in this chapter <u>(including supermarkets)</u>	
General Residential Zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable

### **Comment:**

The proposed definition of large format retail means any individual retail tenancy with a GFA greater than 450 square metres such that the activity status of all supermarkets in the GRZ would default to non-complying under GRZ-R18. Woolworths seek that the status of supermarkets be discretionary and proposes amendments to GRZ-R14 and GRZ-R18 to capture this.



Amend Rule GRZ-R18 as follows:

GRZ-R18	Large format retailing ( <u>excluding supermarkets</u> )	
General Residential Zone	Activity status: Non-Complying	Activity status where compliance not achieved: Not applicable

**Comment:**

The proposed definition of large format retail means any individual retail tenancy with a GFA greater than 450 square metres such that the activity status of all supermarkets in the GRZ would default to non-complying under GRZ-R18. Woolworths seek that the status of supermarkets be discretionary and proposes amendments to GRZ-R14 and GRZ-R18 to capture this.

**MRZ – Medium Density Residential Zone**

Amend Policy MRZ-P6 as follows:

MRZ-P6	Other non-residential activities
<p><del>Only A</del> Allow other non-residential activities and <u>buildings</u> where:</p> <ol style="list-style-type: none"><li>1. they support the wellbeing of residents in the area, or have a <u>functional need</u> to locate in the zone; and</li><li>2. any adverse <u>effects</u> on the residential <u>amenity values</u> are avoided or minimised; and</li><li>3. they maintain the anticipated character, qualities and purpose of the <del>General Residential Zone</del>. <u>Medium Density Residential Zone</u>.</li></ol>	

**Comment:**

The policy has been amended to contain more appropriate wording relative to the discretionary activity status of MRZ-R15. Otherwise, this policy is supported so long as the following amendments to Rules MRZ-R15 and MRZ-R17 are undertaken as the policy appropriately recognises that in some instances non-residential activities (including supermarkets) can and should be enabled where they have a functional need to locate in the zone.

Contains incorrect reference to General Residential zone when this is a Medium Density Residential zone policy.

Amend Rule MRZ-R15 as follows:

MRZ-R15	Activities not otherwise listed in this chapter <i>(including supermarkets)</i>	
General Residential Zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable

**Comment**

The proposed definition of large format retail means any individual retail tenancy with a GFA greater than 450 square metres such that the activity status of all supermarkets in the MRZ would default to non-complying under MRZ-R17. Woolworths seek that the status of supermarkets be discretionary and propose amendments to MRZ-R15 and MRZ-R17 to capture this.

Amend Rule MRZ-R17 as follows:

MRZ-R17	Large format retailing <i>(excluding supermarkets)</i>	
General Residential Zone	Activity status: Non-Complying	Activity status where compliance not achieved: Not applicable

**Comment**

The proposed definition of large format retail means any individual retail tenancy with a GFA greater than 450 square metres such that the activity status of all supermarkets in the MRZ would default to non-complying under MRZ-R17. Woolworths seek that the status of supermarkets be discretionary and proposes amendments to MRZ-R15 and MRZ-R17 to capture this.

**NCZ – Neighbourhood Centre Zone**

Amend Objective NCZ-O1 as follows:

NCZ-O1	<i>The purpose of the Neighbourhood Centre Zone</i>
<i>The Neighbourhood Centre Zone provides for small-scale <u>commercial activities</u> that serve the day-to-day convenience needs of the surrounding residential neighbourhood <u>and passers-by</u>, and do not <u>undermine</u> the purpose, function and <u>amenity values</u> of the City Centre Zone and Local Centre Zones.</i>	

**Comment:**

Neighbourhood Centres should be designed to serve passers-by as well as their immediate residential neighbourhood.

Amend Rule NCZ-R1 as follows:

NCZ-R1	Commercial activities	
<p>Neighbourhood Centre Zone</p> <p>-</p>	<p><del>Activity status: Permitted</del></p> <p><del>Where:</del></p> <p><del>-</del></p> <p><del>PER-1</del></p> <p><del>Any commercial activity does not exceed 300m<sup>2</sup> in gross floor area; and</del></p> <p><del>-</del></p> <p><del>PER-2</del></p> <p><del>The commercial activity is not a licensed premise, an office or a service station; and</del></p> <p><del>-</del></p> <p><del>PER-3</del></p> <p><del>NCZ-S5 is complied with.</del></p> <p><del>-</del></p> <p><del>Note: Any associated building and structure must be constructed in accordance with NCZ-R3.</del></p>	<p><del>Activity status where compliance not achieved with PER-3: Restricted Discretionary</del></p> <p><del>-</del></p> <p><del>Matters of discretion are restricted to:</del></p> <p><del>1. the matters of discretion of any infringed standard.</del></p> <p><del>Activity status where compliance not achieved with PER-1 or PER- Discretionary</del></p> <p><del>-</del></p>

<u>NCZ-R1</u>	<u>Commercial activities</u>	
<p><u>Neighbourhood Centre zone</u></p> <p>-</p>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>-</u></p> <p><u>PER-1</u></p> <p><u>The commercial activity is not a licensed premise, an office or a service station</u></p> <p><u>-</u></p> <p><u>PER-2</u></p> <p><u>Any commercial activity shall not exceed 300m<sup>2</sup> in gross floor area, except there is no maximum gross floor area if it is a trade supplier, supermarket, restaurant or cafe; and</u></p> <p><u>PER-3</u></p> <p><u>NCZ-S5 is complied with.</u></p> <p><u>-</u></p>	<p><u>Activity status where compliance not achieved with PER-4: Restricted Discretionary</u></p> <p><u>-</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. the matters of discretion of any infringed standard.</u></p> <p><u>Activity status where compliance not achieved with PER-1, PER-2, PER-3: Discretionary</u></p>

	<p>1. <u>Note: Any associated building and structure must be constructed in accordance with NCZ-R3</u></p>	-
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**Comment:**

Woolworths seeks consistency with the other CMUZ in terms of an approach to commercial activities within the zone and as such proposes the above amendment which would make supermarket activities permitted as they would be exempt under PER-2 (noting that consent as a restricted discretionary activity would still be required under an amended version of NCZ-R3 – as below). This is considered a commensurate activity status compared to the current discretionary activity outlined in NCZ-R1.

Amend Rule NCZ-R3 as follows:

NCZ-R3	<u>Buildings and structures</u>	
<p><b>Neighbourhood Centre Zone</b></p>	<p><b>Activity status:</b> <b>Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The <u>building</u> or <u>structure</u> is associated with or ancillary to a permitted activity; and</p> <p><b>PER-2</b> Where the <u>building</u> is to accommodate a non-residential activity, <u>NCZ-S1</u>, <u>NCZ-S2</u>, <u>NCZ-S3</u>, <u>NCZ-S4</u> and <u>NCZ-S5</u> are complied with; and</p> <p><b>PER-3</b> Where the <u>building</u> is a <u>residential unit</u>, <u>NCZ-S1</u>, <u>NCZ-S2</u>, <u>NCZ-S4</u> and <u>NCZ-S6</u> are complied with; and</p> <p><b>PER-4</b></p>	<p><b>Activity status where compliance not achieved with PER-2 or PER-3:</b> <b>Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the matters of discretion of any infringed standard.</li> </ol>
	<p><b>Activity status where compliance not achieved with PER-4:</b> <b>Restricted discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>The extent to which the form, scale and design of <u>buildings</u>, parking and <u>landscaping</u> integrates with and is complimentary to the adjoining park and surrounding neighbourhood.</li> </ol>	
	<p><b>Activity status where compliance not achieved with PER-1:</b></p>	

	<p>The <u>building</u> is not located on Mulcahy Park (Lot 15 DP451401 or its successor).</p>	<p>The same status as the activity the <u>building</u> or <u>structure</u> is associated with or ancillary to.</p>
	<p><u>PER-5</u>  <u>The total gross floor area of any new building or buildings is less than 300m<sup>2</sup>;</u></p>	<p><u>Activity status where compliance not achieved with PER-5: Restricted Discretionary</u></p> <p><u>- Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li>1. <u>the extent to which the development:</u> <ol style="list-style-type: none"> <li>a. <u>recognises and reinforces the Neighbourhood Centre Zone purpose, character and qualities; and</u></li> <li>b. <u>promotes active engagement with, and contributes to the vibrancy and attractiveness of, any adjacent streets, lanes or public spaces taking in to account operational and functional requirements; and</u></li> <li>c. <u>is sympathetic to nearby buildings in respect of the exterior design, architectural form, scale and detailing of the building; and</u></li> <li>d. <u>provides a human scale and minimises building bulk through the provision of articulation and modulation, while having regard to the functional needs of the activity; and</u></li> <li>e. <u>is designed to incorporate APP3 - National Guidelines for Crime Prevention through Environmental Design in New Zealand including encouraging surveillance, effective lighting, management of public</u></li> </ol> </li> </ol>

		<p><u>areas and boundary demarcation; and</u></p> <p>f. <u>incorporates landscaping or other means to provide for increased amenity, shade, and weather protection; and</u></p> <p>g. <u>provides safe, legible, and efficient access for all transport modes; and</u></p> <p>h. <u>includes landscaping and fencing of storage and waste areas that are designed and located to minimise the adverse visual and amenity effects of the development on any adjoining Residential Zone or Open Space and Recreation Zone.</u></p>
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**Comment:**

Woolworths seeks consistency with the other CMUZ in terms of an approach to consenting buildings within the zone and as such proposes the above amendment which would make supermarket buildings restricted discretionary as they would require consent for infringing PER-5.

**LCZ – Local Centre Zone**

Amend Objective LCZ-O1 as follows:

<b>LCZ-O1</b>	<b>The purpose of the Local Centre Zone</b>
	<p>The Local Centre Zone provides primarily for <u>community facilities</u> and a range of <u>commercial activities</u> which:</p> <ol style="list-style-type: none"> <li>1. <i>primarily support the daily and weekly goods and services needs of the surrounding residential areas <b>and passers-by</b>; and</i></li> <li>2. <i>are of a size and scale that do not <u>undermine</u> the purpose, function and <u>amenity values</u> of the City Centre Zone.</i></li> </ol>

**Comment:**

Local Centres should be designed to serve passers-by as well as surrounding residential areas.

Amend Policy LCZ-P3 as follows:

<b>LCZ-P3</b>	<b>Urban design</b>
<i>Require larger-scale development to be designed and laid out in a manner that:</i>	
<ol style="list-style-type: none"><li><i>1. engages and integrates well with streets and public spaces; and</i></li><li><i>2. provides a high-quality pedestrian experience; and</i></li><li><i>3. takes into account the <u>functional needs</u> <u>and operational needs</u> of <u>commercial activities</u>.</i></li></ol>	

**Comment**

Woolworths seeks that operational needs – being those pertaining to technical, logistical or operational characteristics or constraints – are included in the above.

Support Rule LCZ-R1

**Comment:**

As per plan.

Amend Rule LCZ-R3 as follows:

<b>LCZ-R3</b>	<b><u>Buildings</u> and <u>structures</u></b>	
<b>Local Centre Zone</b>	<b>Activity status: Permitted</b> <b>Where:</b>  <b>PER-1</b> <i>The <u>building</u> or <u>structure</u> is associated with or ancillary to a permitted activity; and</i>  <b>PER-2</b> <i>The total <u>gross floor area</u> of any new <u>building</u> or <u>buildings</u> is less than 450m<sup>2</sup>; and</i>  <b>PER-3</b>	<b>Activity status where compliance not achieved with PER-2 or PER-3:</b> <b>Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b>  <ol style="list-style-type: none"><li><i>1. the extent to which the development:</i><ol style="list-style-type: none"><li><i>a. recognises and reinforces the Local Centre Zone purpose, character and qualities; and</i></li><li><i>b. promotes active engagement with, and contributes to the vibrancy and attractiveness of, any</i></li></ol></li></ol>

Any addition to a [building](#) does not result in the total [gross floor area](#) of the [building](#) being 450m<sup>2</sup> or more; and

**PER-4**

[LCZ-S1](#), [LCZ-S2](#), [LCZ-S3](#) and [LCZ-S4](#) are complied with.

- adjacent streets, lanes or public spaces [taking into account operational and functional requirements](#);
- and
- c. is sympathetic to nearby [buildings](#) in respect of the exterior design, architectural form, scale and detailing of the [building taking into account operational and functional requirements](#); and
  - d. provides a human scale and minimises [building](#) bulk through the provision of articulation and modulation, while having regard to the [functional and operational needs](#) of the activity; and
  - e. is designed to incorporate [APP3 - National Guidelines for Crime Prevention through Environmental Design in New Zealand](#) including encouraging surveillance, effective lighting, management of public areas and boundary demarcation; and
  - f. incorporates [landscaping](#) or other means to provide for increased amenity, shade, and weather protection; and
  - g. provides safe, legible, and efficient access for all transport modes; and
  - h. includes [landscaping](#) and fencing of storage and waste areas that are designed and located to minimise the adverse visual and amenity [effects](#) of the development on any adjoining Residential Zone or Open Space and Recreation Zone.



		<p><b>Activity status where compliance not achieved with PER-4: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol>
		<p><b>Activity status where compliance not achieved with PER-1:</b> The same status as the activity the <a href="#">building</a> or <a href="#">structure</a> is associated with or ancillary to.</p>

**Comment:**

Woolworths seeks to introduce consideration of operational and functional requirements to the active engagement and building design matters of discretion. Supermarkets have a number of functional and operational requirements which will prevent them from being able to successfully achieve these matters and should not be adversely penalised in what would otherwise be a streamlined and commensurate restricted discretionary activity consent assessment.

**LFRZ – Large Format Retail Zone**

**Support Rule LFRZ-R1**

**Comment:**

As per plan.

**Amend Rule LFRZ-R9 as follows:**

<b>LFRZ-R9</b>	<a href="#">Buildings</a> and <a href="#">structures</a>	
<b>Large Format Retail Zone</b>	<b>Activity status:</b> <b>Restricted Discretionary</b>	<b>Activity status where compliance not achieved with RDIS-1:</b> The same status as the activity the <a href="#">building</a> or <a href="#">structure</a> is associated with or ancillary to.
	<b>Where:</b> <b>RDIS-1</b>	

	<p>The <a href="#">building</a> or <a href="#">structure</a> is associated with or ancillary to a permitted activity; and</p> <p><b>RDIS-2</b> <a href="#">LFRZ-S1</a>, <a href="#">LFRZ-S2</a> and <a href="#">LFRZ-S4</a> are complied with; and</p> <p><b>RDIS-3</b> <a href="#">LFRZ-S3</a> and <a href="#">LFRZ-S5</a> are complied with.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <a href="#">building</a> location and design, including with reference to the <a href="#">APP9 - Large format retail design guidelines</a>.; and</li> <li>2. <a href="#">landscaping</a>; and</li> <li>3. <a href="#">fencing and walls</a>, including for screening; and</li> <li>4. <a href="#">storage areas</a>; and</li> <li>5. <a href="#">security and safety</a>; and</li> <li>6. <a href="#">signage</a>; and</li> <li>7. <a href="#">public transport</a>; and</li> <li>8. <a href="#">vehicle and pedestrian access</a></li> <li>9. <a href="#">functional and operational needs</a>.</li> </ol>	<p><b>Activity status where compliance not achieved with RDIS-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion in <a href="#">LFRZ-R10</a> for RDIS-1 and RDIS-2; and</li> <li>2. the relevant matters of discretion of any infringed standard.</li> </ol> <p><b>Activity status where compliance not achieved with RDIS-3: Non-complying</b></p>
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**Comment:**

Woolworths seeks to introduce consideration of operational and functional requirements to the matters of discretion for new buildings given design requirements of supermarkets. Otherwise, this rule is supported.

**MUZ – Mixed Use Zone**

**Support Rule MUZ-R2**

**Comment:**

As per plan.

Amend Rule MUZ-R10 as follows:

<b>MUZ-R10</b>	<b><u>Buildings and structures</u> (excluding those specified in <u>MUZ-R9</u>)</b>	
<b>Mixed Use Zone</b>	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b> The <u>building</u> or <u>structure</u> is associated with or ancillary to a permitted activity; and</p> <p><b>CON-2</b> The new <u>building</u> or <u>building</u> addition, is not associated with a <u>residential activity</u>; and</p> <p><b>CON-3</b> <u>MUZ-S1</u>, <u>MUZ-S2</u>, <u>MUZ-S3</u> and <u>MUZ-S4</u> are complied with.</p> <p><b>Matters of control are restricted to:</b></p> <ol style="list-style-type: none"><li>1. <u>building</u> design and layout, including interfaces with public areas;</li><li>2. <u>pedestrian and traffic safety</u></li><li>3. <u>landscaping</u>;</li><li>4. <u>fencing and walls, including screening</u>;</li><li>5. <u>storage areas</u>;</li><li>6. <u>security and safety</u>;</li><li>7. <u>impact on privacy on any adjoining residential zone</u>;</li><li>8. <u>signage</u>;</li><li>9. <u>noise</u>; and</li><li>10. <u>the ability to provide service and storage spaces for solid waste</u>.</li><li>11. <u>functional and operational needs</u>.</li></ol>	<p><b>Activity status where compliance not achieved with CON-1:</b> The same status as the activity the <u>building</u> or <u>structure</u> is associated with or ancillary to.</p> <p><b>Activity status where compliance not achieved with CON-2:</b> <b>Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"><li>1. <u>building</u> design and layout, including interfaces with public areas;</li><li>2. <u>landscaping</u>;</li><li>3. <u>fencing and walls, including screening</u>;</li><li>4. <u>security and safety</u>; and</li><li>5. <u>reverse sensitivity</u>.</li></ol> <p><b>Activity status where compliance not achieved with CON-3:</b> <b>Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p>

		<ol style="list-style-type: none"> <li>1. <i>the matters of discretion of any infringed standard; and</i></li> <li>2. <i>the matters of control listed for the Controlled Activity.</i></li> </ol>
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**Comment:**

Woolworths seeks to introduce consideration of operational and functional requirements to the matters of discretion for new buildings given design requirements of supermarkets. Otherwise, this rule is supported.

**TCZ – Town Centre Zone**

Amend Objective TCZ-O1 as follows:

<b>TCZ-O1</b>	<b><i>The purpose of the Town Centre Zone</i></b>
<p><i>The Town Centre Zone is a focal point for the local community, and provides for a diverse range of activities that support the residents of the township and surrounding rural areas <u>and passers-by</u>.</i></p>	

**Comment:**

Town Centres should be designed to serve passers-by as well as those identified in the objective.

**Support Rule TCZ-R1**

**Comment:**

As per plan.

Amend Rule TCZ-R6 as follows:

<b>TCZ-R6</b>	<b><u>Buildings</u> and <u>structures</u> including <u>fences</u></b>	
<b>1. Town Centre Zone excluding</b>	<b>Activity status: Permitted</b> <b>Where:</b> <b>PER-1</b>	<b>Activity status where compliance not achieved with PER-2: Restricted Discretionary</b>

<p><b>Temuka</b></p>	<p>The <a href="#">building</a> or <a href="#">structure</a> is associated with or ancillary to a permitted activity; and</p> <p><b>PER-2</b>  <a href="#">TCZ-S1</a>, <a href="#">TCZ-S2</a>, <a href="#">TCZ-S3</a>, <a href="#">TCZ-S4</a> and <a href="#">TCZ-S5</a> are complied with.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol>
<p><b>2. Town Centre Zone - Temuka</b></p>	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b>  The <a href="#">building</a> or <a href="#">structure</a> is associated with or ancillary to a permitted activity; and</p> <p><b>CON-2</b>  <a href="#">TCZ-S1</a>, <a href="#">TCZ-S2</a>, <a href="#">TCZ-S3</a>, <a href="#">TCZ-S4</a> and <a href="#">TCZ-S5</a> are complied with.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. compatibility of the form, scale and architectural design of the <a href="#">building</a> with the streetscape values identified in <a href="#">TCZ-P4</a> and any adjoining scheduled heritage item(s); and</li> <li>2. <a href="#">building</a> and <a href="#">site</a> layout, including interface with public areas; and</li> <li>3. the extent to which the development addresses the <a href="#">street frontage</a>(s) (excluding Vine Street) and provides a pedestrian-focused <a href="#">environment</a>; and</li> <li>4. for Vine Street, the design and layout of car parking provided to the rear of <a href="#">buildings</a> and the</li> </ol>	<p><b>Activity status where compliance not achieved with PER-1:</b>The same status as the activity the <a href="#">building</a> or <a href="#">structure</a> is associated with or ancillary to.</p> <p><b>Activity status where compliance not achieved with CON-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard; and</li> <li>2. the matters of control in <a href="#">TCZ-R6.2</a> and <a href="#">TCZ-R7</a>.</li> </ol>
		<p><b>Activity status where compliance not achieved with CON-1:</b>The same status as the activity the <a href="#">building</a> or <a href="#">structure</a> is associated with or ancillary to.</p>

	<p><i>adequacy of access and manoeuvring to parking areas; and</i></p> <p>5. <i>for Vine Street, the practicality and adequacy of existing or proposed connections to King Street.</i></p> <p>6. <u><i>functional and operational needs.</i></u></p>	
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**Comment:**

Woolworths seeks to introduce consideration of operational and functional requirements to the matters of discretion for new buildings given design requirements of supermarkets. Otherwise, this rule is supported.

**CCZ – City Centre Zone**

**Support Rule CCZ-R1**

**Comment:**

As per plan.

**Amend Rule CCZ-R7 as follows:**

<b>CCZ-R7</b>	<b><u>Buildings and structures</u></b>	
<b>City Centre Zone</b>	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b> <i>The <u>building</u> or <u>structure</u> is associated with or ancillary to a permitted activity; and</i></p> <p><b>CON-2</b> <i>All the <u>Standards</u> of this chapter are complied with.</i></p> <p><b>Matters of control are restricted to:</b></p>	<p><b>Activity status where compliance not achieved with CON-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <i>the matters of discretion of any infringed standard; and</i></li> <li>2. <i>the matters of control listed in CON-1 and CON-2.</i></li> </ol>

1. compatibility of the form, scale and architectural design of the building with the streetscape values identified in CCZ-P4 and any adjoining scheduled heritage item(s) or historic heritage area; and
2. building and site layout, including interface with public areas; and
3. the extent to which the development addresses the street frontage(s) and provides a pedestrian-focused environment; taking into account operational and functional requirements and
4. the extent to which any potential reverse sensitivity effects are avoided or mitigated; and
5. whether the height of the building will detract from the heritage significance of any scheduled heritage item or area and if so, whether a reduced height would be appropriate; and
6. the ability to provide service and storage spaces for solid waste; and
7. within the Southern centre precinct, whether the building is suitably designed to provide a good quality living environment while also enabling future conversion to future uses, such as through:
  - a. raising the ground plane relative to street/footpath level; and
  - b. ensuring any setback from the road frontage to provide privacy for residential occupants still maintains an active frontage.
8. the functional and operational needs of the activity.

**Activity status where compliance not achieved with CON-1:** The same status as the activity the building or structure is associated with or ancillary to.

**Comment:**

Woolworths seeks to introduce consideration of operational and functional requirements to the matters of control for new buildings given design requirements of supermarkets. Otherwise, this rule is supported.

**GIZ – General Industrial Zone**

Amend Policy GIZ-P6 as follows:

<b>GIZ-P6</b>	<b>Other activities</b>
<p>Avoid <del>Enable</del> the establishment of other activities including <u>residential activities</u> <del>where it is demonstrated that</del> <del>unless</del>:</p> <ol style="list-style-type: none"><li>1. there is a <u>functional need</u> for the activity to occur in the General Industrial Zone; <del>and-or</del></li><li>2. the activity is not provided for in another zone; <del>and-or</del></li><li>3. the activity does not <u>undermine</u> the purpose, viability and function of any of the <u>Commercial and Mixed Use Zones</u>; <del>and-or</del></li><li>4. the activity would not result in <u>reverse sensitivity effects</u> that may constrain <u>industrial activities</u>.</li></ol>	

**Comment**

Woolworths consider that the above amendments reflect the proposed discretionary activity status of supermarkets under Rule GIZ-R6. The Policy as drafted enables consideration of operational and functional needs while also retain recognition of the centres hierarchy however needs to be amended to reflect the corresponding activity status.

Insert new Rule GIZ-R6 as follows:

<b><u>GIZ-R6</u></b>	<b><u>Supermarkets</u></b>	
<b><u>General Industrial Zone</u></b>	<b><u>Activity status: Discretionary</u></b>	<b><u>Activity status when compliance not achieved: Not applicable</u></b>

**Comment:**

Woolworths considers a discretionary activity consent is more appropriate for supermarkets in the General Industrial zone. Woolworths is not aware of any economic evidence prepared by the Council that identifies industrial land supply as being so



significantly scarce relative to demand that non-industrial activities cannot be countenanced.

## **Definitions**

Support the definition of supermarket:

<u>SUPERMARKET</u>	means a <u>retail activity</u> primarily involved in the sale of groceries, including fresh produce, meat, fish, dairy food and delicatessen items, beverages, general household and personal goods, as otherwise described and categorised as ANZSIC category 5110, in individual premises of no less than 1,500m <sup>2</sup> of <u>gross floor area</u> .
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Amend the definition of operational need and functional need as follows:

<u>OPERATIONAL NEED</u>	means the need for a proposal or activity to traverse, locate or operate in a particular <u>environment</u> <i>or be designed in a particular way</i> because of technical, logistical or operational characteristics or constraints.
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<u>FUNCTIONAL NEED</u>	means the need for a proposal or activity to traverse, locate or operate in a particular <u>environment</u> <i>or be designed in a particular way</i> because the activity can only occur in that <u>environment</u> <i>because of functional characteristics or constraints</i> ".
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### **Comment:**

This amendment seeks to extend the definitions of operational and functional needs to recognise that these are not limited to location-specific needs but rather an operational or functional need could require a building or feature to be designed in a particular manner. Both of these terms are included within matters of discretion for infringing a number of standards in the CMUZ which Woolworths supports – however considers that the definitions of these terms need to be amended accordingly.